United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12201–12250

[Approved by the Secretary of Agriculture, Washington, D. C., August 13, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12201. Adulteration of frozen eggs. U. S. v. William L. Ogden (W. L. Ogden & Co.). Plea of guilty. Fine, $25 and costs. (F. & D. No. 17614. I. S. No. 4177–v.)

On August 23, 1923, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William L. Ogden, trading as W. L. Ogden & Co., at Sioux City, Iowa, alleging shipment by said defendant, in violation of the food and drugs act, on or about January 17, 1923, from the State of Iowa into the State of Illinois, of a quantity of frozen eggs which were adulterated. The article was labeled in part: "W. L. Ogden & Co. * * * Sioux City, Ia."

Examination by the Bureau of Chemistry of this department showed a high bacteria content in the article, with gas-forming organisms present in large numbers. Physical examination showed that the product had an offensive and putrid odor.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On January 19, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12202. Adulteration of shell eggs. U. S. v. Naponee Equity Exchange, a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17689. I. S. No. 7627–v.)

On October 20, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Naponne Equity Exchange, a corporation, Naponee, Nebr., alleging shipment by said company, in violation of the food and drugs act, on or about October 18, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "from Naponee Equity Exchange Naponee, Nebr."

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 58, or 6.44 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12203. Adulteration of shell eggs. U. S. v. Joseph W. Williams. Plea of guilty. Fine, $25. (F. & D. No. 17408. I. S. No. 7582–v.)

On June 7, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. Williams, Republican City, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 200, or 13.88 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12204. Adulteration and misbranding of canned tuna fish. U. S. v. 1 Case and 75 Cans, et al., of Canned Tuna Fish. Default decrees of condemnation, forfeiture, and destruction, with the proviso that the product might be released under bond. (F. & D. Nos. 17009, 17011, 17017, 17018, 17032. I. S. Nos. 162–v, 169–v, 170–v, 172–v, 174–v. S. Nos. E–3260, E–3261, E–3262, E–3263, E–3264.)

On December 5, 6, 7, and 12, 1922, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49½ cases and 75 cans of tuna fish, remaining in the original unbroken packages in part at Bridgeport and in part at New Haven, Conn., alleging that the article had been shipped in various lots, in part by P. Pastene & Co., New York, N. Y., and in part by DeCesare & Morrocco, New York, N. Y., between the dates of June 8 and November 4, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Pasco Tonno * * * Qualita Extra * * * Tuna Fish." The remainder of the said article was labeled in part: (Can) "Tonno In Olio Di Oliva Marca Pasco Pasco Brand * * * Bonita Packed With Double Olive Oil;" (case) "100 No. 1 Quarter Tuna Cans Kanopen."

Adulteration of the article was alleged in substance in the libels for the reason that bonita had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on a portion of the article bore statements, designs, and devices as follows, (can) "Tuna Fish * * * Packed For Purity Products Co.," and the labels on the remainder thereof bore statements, designs, and devices as follows, "Tuna" and "Tonno," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tuna fish.

On December 5, 1923, P. Pastene & Co., New York, N. Y., claimant, having withdrawn its appearance theretofore entered, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso that the product might be released to the said P. Pastene & Co. upon payment of the costs of the proceedings on or before December 10, 1923, and the execution of a good and sufficient bond in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12205. Misbranding of canned shrimp. U. S. v. Soal S. Goffin. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 17072. I. S. Nos. 5592–t, 13166–t.)

On April 5, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Soal S. Goffin, Jacksonville, Fla., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about September 15, 1921, from the State of Florida into the States of Massachusetts and Maine of quantities of canned shrimp which was misbranded. The article was labeled in part: (Can)

"St. Johns * * * Fresh Shrimp * * * The Smiling Brand * * * Packed By The Nassau Sound Packing Co. Jacksonville, Fla. S. S. Goffin, Proprietor Net Weight Wet Pack 5¾ Oz."

Examination by the Bureau of Chemistry of this department showed that the average weight of 24 cans from one shipment was 5.35 ounces and that the average weight of 18 cans from the other shipment was 5.57 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight * * * 5¾ Oz.," borne on the labels attached to the cans containing the said article, was false and misleading, in that it represented that each of said cans contained 5¾ ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 5¾ ounces of the said article, whereas, in truth and in fact, each of said cans did not contain 5¾ ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 8, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12206. Misbranding of olive oil. U. S. v. George P. Papadopulos. Plea of guilty. Fine, $100. (F. & D. No. 16966. I. S. Nos. 1809–t, 1810–t, 17029–t.)

On February 26, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George P. Papadopulos, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about March 4, 1922, from the State of New York into the State of Missouri and into the District of Columbia of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Olio d'Oliva * * * Vergine * * * Net Contents Full Gallon" (or "Net Contents Full Quarter Gallon") "* * * G. P. Papadopulos New York, U. S. A."

Examination by the Bureau of Chemistry of this department showed that the average volume of 22 so-called gallon cans from the shipment into the District of Columbia was 0.968 gallon and that the average volume of 10 so-called gallon cans from the shipment into Missouri was 0.971 gallon. Examination by said bureau showed that the average volume of 15 of the so-called quarter-gallon cans was 0.242 gallon.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents Full Gallon" and "Net Contents Full Quarter Gallon," borne on the respective-sized cans containing the article, were false and misleading in that they represented that each of the said cans contained one gallon net or one-quarter gallon net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one gallon net or one-quarter gallon net of the said article, as the case might be, whereas, in truth and in fact, the said cans did not contain the amount declared on the respective labels but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 1, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12207. Adulteration and misbranding of butter. U. S. v. 1 Case of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18150. I. S. No. 15278–v. S. No. E–4634.)

On December 10, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 case of butter, remaining in the original unbroken package at Boston, Mass., alleging that the article had been shipped by the J. B. [J. G.] Turnbull Co., from Orleans, Vt., on or about November 19, 1923, and transported from the State of Vermont into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs

act. The article was labeled in part: "One Pound, Net Weight Lamoille * * * Creamery * * * Made in the Finest Dairy Section in Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement on the label, "Butter * * * Guaranteed * * * Pure," was false and misleading and deceived and misled the purchaser in that the said statement represented that the article was pure butter, whereas, in truth and in fact, it was not but was a product deficient in butterfat and containing excessive moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, butter, whereas, in truth and in fact, it was not butter but was a product deficient in butterfat and containing excessive moisture.

On February 14, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12208. Misbranding of olive oil. U. S. v. The Youngstown Grocery Co., Inc., a Corporation. Plea of nolo contendere. Fine, $100. (F. & D. No. 17415. I. S. No. 1274–v.)

On June 26, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Youngstown Grocery Co., Inc., a corporation, Youngstown, Ohio, alleging shipment by said company, in violation of the food and drugs act, as amended, on or about August 4, 1922, from the State of Ohio into the State of West Virginia, of a quantity of olive oil which was misbranded. The article was labeled in part: "Olio D'Oliva Purissimo Marca Garibaldi * * * Marca Depositata Francesco Silvestri Lucca (Italy) * * * Net Contents Full Quarter Gallon."

Examination of 18 cans of the article by the Bureau of Chemistry of this department showed an average shortage of 5.4 per cent in the contents of the said cans.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Olio D'Oliva Purissimo Marca Garibaldi * * * Marca Depositata Francesco Silvestri Lucca (Italy)" and "Net Contents Full Quarter Gallon," borne on the cans containing the article, regarding the said article, were false and misleading in that they represented that the article was an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy and that each of said cans contained 1 full quarter gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy and that each of said cans contained 1 full quarter gallon net of the said article, whereas, in truth and in fact, the article was not an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy but was an article packed in the United States of America, and each of said cans did not contain 1 full quarter gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 17, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12209. Adulteration of cocoa. U. S. v. 51 Drums of Cocoa. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17093. I. S. No. 208–v. S. No. E–4253.)

On December 28, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 51 drums of cocoa, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been

shipped by the Handy Chocolate Co., from Springfield, Mass., on or about February 14, 1922, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Packed In 100 Lb. Drums."

Adulteration of the article was alleged in the libel for the reason that excessive [cocoa] shells had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On December 4, 1923, the Handy Chocolate Co., Springfield, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12210. Adulteration of concentrated tomato and tomato sauce. U. S. v. Thomas Page. Plea of guilty. Fine, $1,000. (F. & D. No. 17061. I. S. Nos. 5538–t, 5989–t, 15522–t, 15524–t.)

On April 3, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Page, Albion, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about September 24, 1921, from the State of New York into the State of Massachusetts, and on or about September 13, December 19, and December 29, 1921, respectively, from the State of New York into the State of Pennsylvania, of quantities of concentrated tomato and tomato sauce which were adulterated. The articles were labeled in part, respectively: "Mt. Etna Brand * * * Concentrated Tomato * * * Packed By Thomas Page Albion, N. Y., U. S. A.;" "Royal Kitchen Brand * * * Page Tomato Sauce * * * Packed By Thomas Page Albion, N. Y. U. S. A."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they had been made from decomposed tomatoes.

Adulteration of the articles was alleged in the information for the reason that they consisted in whole or in part of filthy and decomposed and putrid vegetable substances.

On April 17, 1923, the defendant entered a plea of guilty to the information, and on November 20, 1923, the court imposed a fine of $1,000.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12211. Adulteration of Schreiber's hen scratch. U. S. v. 45 Sacks of Schreiber's Hen Scratch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 665–c. I. S. No. 10433–v. S. No. C–3841.)

On October 11, 1922, the United States attorney for the District of Kansas, acting upon a report by officials of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 sacks of Schreiber's hen scratch, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Schreiber Flour & Cereal Co. from Kansas City, Mo., on or about October 6, 1922, and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Schreiber's Hen Scratch * * * Ingredients * * * Wheat * * * Manufactured By Schreiber Flour & Cereal Co. Kansas City, Missouri."

Adulteration of the article was alleged in the libel for the reason that mouldy, decomposed wheat had been substituted in part for good wheat, as represented in the label, thereby reducing and lowering and injuriously affecting its quality and strength.

On March 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12212. Adulteration of shell eggs. U. S. v. William T. Harris (W. T. Harris & Sons). Plea of guilty. Fine, $25. (F. & D. No. 17419. I. S. No. 7583–v.)

On July 5, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for said district an information against William T. Harris, trading as W. T. Harris & Sons, Danbury, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 9, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Tag) "W. T. Harris & Sons Danbury, Nebr."

Examination by the Bureau of Chemistry of 1,080 eggs from the consignment showed that 204, or 18.88 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 3, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12213. Misbranding of Dr. Lovett's pills. U. S. v. 5 Gross Bottles of Dr. Lovett's Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16093. I. S. No. 13926-t. S. No. W-1062.)

On April 10, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 gross bottles of Dr. Lovetts pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dr. Lovett Medicine Co., from New York, N. Y., on or about July 15, 1921, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron, sodium, and potassium carbonates and sulphates, with traces of plant extractives, coated with sugar, starch, and calcium carbonate and colored pink.

Misbranding of the article was alleged in the libel for the reason that it was labeled in part on the wrapper and bottle, and in the circular accompanying the said article, as follows, (wrapper) "This * * * purifier of the blood is * * * the only infallible specific to cure radically and permanently, general debility * * * headache, rheumatism, sexual debility, sterility, malarial fevers, diseases of the liver, syphilis, scrofula, pimples, catarrhs, carbuncles, itch, herpes, tumors, ulcers, and other disorders originating * * * by reason of deleterious impurities of the blood," (bottle) "for curing permanently and radically * * * sexual debility, syphilis, rheumatism, malarial fever, skin diseases and all other diseases of the blood," (circular) "the only infallible specific for curing diseases of the blood. * * * purify the blood * * * removing * * * the causes of nervous prostration * * * clouding of the mind, insomnia, nervous pains of the head, loss of memory, general debility * * * lend themselves in a most admirable manner to the curing of diseases of the liver and the skin, pimples, herpes, malarial fever, rheumatism, rickets, etc., etc., all tumors, ulcers, syphilis, scrofula, pains in the bones * * * wasting * * * pimples * * * Carbuncles And Virulent Tumors * * * Catarrh * * * Sexual Debility * * * Boils And Small Tumors * * * Eczema * * * Cutaneous Diseases * * * Diseases Peculiar To Women * * * Epilepsy * * * Erysipelas * * * Scrofula * * * Spermatorrhoea * * * Sterility * * * Malarial Fevers * * * diseases of the liver * * * Insomnia * * * Wounds And Chronic Ulcers * * * Neuralgia * * * Onanism And Masturbation * * * Nervous Prostration * * * Psoriasis * * * Rheumatism * * * disorders of the blood * * * purifier, energizer and cleanser of the blood for the aged," which said statements were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On July 25, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12214. Misbranding of butter. U. S. v. 1,237 Cartons of Butter. Product released under bond. Costs assessed against claimant. (F. & D. No. 17662. I. S. Nos. 6887-v, 6904-v, 6905-v. S. Nos. C-4073, C-4075.)

On July 23, 1923, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of 1,237 cartons of butter, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Misletoe Creameries, Fort Worth, Tex., on or about July 11 and 16, 1923, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Print) "Mistletoe Creamery Butter * * * Misletoe Creameries * * * Fort Worth, Texas One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the labels bore the statement, "One Pound Net," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 19, 1923, the Misletoe Creameries, Fort Worth, Tex., claimant, having admitted the allegations of the libel and taken the product down under bond, judgment of the court was entered, ordering that the claimant pay the costs of the proceeings and that the libel be dismissed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12215. Adulteration and misbranding of sirup. U. S. v. 4 Cases of Sirup. Default decree of condemnation, forfeiture, and sale, with proviso that product might be released under bond if claimant should appear. (F. & D. No. 18302. I. S. No. 20609–v. S. No. W–1475.)

On February 14, 1924, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases of sirup, remaining unsold in the original unbroken packages at Osage, Wyo., consigned by the Early Coffee Co., Denver, Colo., alleging that the article had been shipped from Denver, Colo., on or about January 29, 1924, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Can) "T. J. E. Maple Flavored Table Syrup Blended with Cane Sugar * * * Only * * * 'After All None So Good' The Early Coffee Co."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding of the article was alleged in substance for the reason that the statement appearing in the labeling, regarding the ingredients and substances contained in the said article, "Maple Flavored Table Syrup Blended with Cane Sugar * * * Only," was false and misleading and deceived and misled the purchaser, in that the article contained glucose. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form and the contents was not plainly and correctly stated in terms of weight or measure on the outside of each of said packages.

On March 20, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, with the proviso that it might be released to the owner upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12216. Misbranding of salad oil. U. S. v. 49 Cases and 83 Cases of Salad Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 18384. I. S. Nos. 15979–v, 15980–v. S. No. E–4732.)

On February 13, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases, each containing 10 1-gallon cans, and 83 cases, each containing 1 5-gallon can of salad oil, at New York, N. Y., alleging that the article had been shipped by the Portsmouth Cotton Oil & Refining Co. [Portsmouth Cotton Oil Refining Corp.], from Portsmouth, Va., on or about January 21, 1924, and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Can) "One Gallon" (or "Five

Gallons") "Magnolia Brand Pure Salad Oil * * * R. C. Williams & Co. Distributors New York."

Examination of the article by the Bureau of Chemistry of this department showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding was alleged in the libel for the reason that the statements "One Gallon" and "Five Gallons," appearing on the labels of the respective-sized cans, were false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 15, 1924, R. C. Williams & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be emptied into barrels and the cans mutilated or destroyed, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12217. Misbranding of Doan's kidney pills. U. S. v. 100 Dozen Packages, et al., of Doan's Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18064, 18065, 18066. I. S. Nos. 4173–v, 7088–v, 7089–v. S. Nos. C–4203, C–4204, C–4205.)

On November 20, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 231 dozen packages of Doan's kidney pills, at Chicago, Ill., alleging that the article had been shipped by the Foster-Milburn Co., from Buffalo, N. Y., in various consignments, namely, October 30, November 5, and November 10, 1923, respectively, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium nitrate, ground plant material, including uva ursi, a resin, a volatile oil such as juniper or turpentine oil, starch, sugar, and talc.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative or therapeutic effect of the said article, appearing in the labeling (box and wrapper) "Kidney Pills * * * acting directly on the * * * Urinary System," (circular, English) "Kidney Pills * * * There are certain trades in which * * * those following such trades are * * * subject to kidney trouble. In such cases, if these pills are indicated * * * increase the dose * * * when relief is noticed, the dose may be reduced * * * a good medicine," (German, Swedish, and Magyar) "If you work hard or if you perform indoor work or any kind of work which strains the kidneys, increase the dose," (Bohemian) "If you work hard or in closed quarters or if you perform work which affects the kidneys, increase the use of the pills," (Italian and Dano Norwegian) "If you do hard work, indoor work or any kind of work which fatigues the kidneys, increase the dose," (Yiddish) "If you work hard and suffer with kidney troubles, take three pills each time until you feel better," (Polish) "If you work hard or indoors or any work which injures the kidneys, take one more, that is, three pills," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers the impression and belief that the article contained ingredients effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said labels, wrappers, and circulars.

On March 31, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12218. Misbranding and alleged adulteration of canned salmon. U. S. v. 839 Cases and 378 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17288, 17289. I. S. Nos. 6102–v, 6105–v. S. Nos. C–3894, C–3896.)

On February 16, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district libels praying the seizure and condemnation of 1,217 cases of salmon, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the C. F. Buelow Co., from Seattle, Wash., in two consignments, namely, on or about December 8 and 29, 1922, respectively, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Pink Beauty Brand * * * Pink Salmon * * * Guaranteed by Weiding & Independent Fisheries Co., Under the Food and Drugs Act June 30, 1906 * * * Packed by Weiding & Independent Fisheries Co. Seattle, Wash." The remainder of the article was labeled in part: "Watermelon Brand * * * Puget Sound Chum Salmon * * * Packed by Deer Harbor Fisheries Co. *Inc* Deer Harbor, Washington, Seattle, Washington."

Adulteration of the article was alleged in the libels for the reason that it was composed in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On June 26, 1923, no claimant having appeared for the property, judgment of the court was entered, finding the product to be misbranded and to consist of putrid matter, and it was ordered by the court that it be condemned and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12219. Misbranding of butter. U. S. v. 27 Boxes and 9 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17722. I. S. No. 7107–v. S. No. C–4098.)

On August 16, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 10-pound boxes and 9 30-pound boxes of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the Brookhaven Creamery Co., from Gloster, Miss., on or about August 6, 1923, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "Brookhaven Fancy * * * Creamery Butter * * * One Pound Net * * * The within contents weighed 1 lb. when packed * * * contents are not guaranteed to weigh at time of sale the amount marked on the package * * * Brookhaven Creamery Co. Brookhaven, Mississippi."

Misbranding of the article was alleged in the libel for the reason that the statement, "One Pound Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12220. Misbranding of tankage. U. S. v. 160 Sacks of Success Brand Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18280. I. S. No. 8834–v. S. No. C–4270.)

On February 2, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of Success brand digester tankage, remaining in the original unbroken packages at Francesville, Ind., alleging that the article had been shipped by the United Bi-Products Co. from Chicago, Ill., on or about July 10, 1923, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Success Brand Digester Tankage * * * Protein 60% Manufactured By United Bi-Products Company * * * Chicago, East St. Louis."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Protein 60%," was false and misleading and deceived and misled the purchaser, in that the article did not contain 60 per cent of protein but did contain a less amount.

On February 28, 1924, the United Bi-Products Co., Chicago, Ill., having appeared and filed its claim for the property and an answer of admission, and

having paid the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12221. Adulteration of canned salmon. U. S. v. 800 Cases, et al., of Salmon. Tried to the court and a jury. Verdict for the Government. Decrees of condemnation and forfeiture. Product released under bond to be used as fish food. (F. & D. Nos. 16925, 16996. I. S. Nos. 7878–v, 7880–v, 7883–v, 7884–v. S. Nos. W–1238, W–1244.)

On November 21 and 23, 1922, respectively, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,600 cases of salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been shipped by Jeldness Bros. & Co. from Point Ellis, Wash., in two consignments, namely, on or about September 16 and 20, 1922, respectively, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and in that filthy, decomposed, and putrid salmon had been substituted for normal salmon of good commercial quality.

On February 11, 1924, the two libels having been consolidated into one cause of action, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Bean, *D. J.*):

"GENTLEMEN OF THE JURY: These are actions—there are two of them—brought by the Government to condemn certain lots of canned salmon on the ground that it is adulterated within the meaning of the pure food and drugs act. It is charged in each of the libels that this salmon was adulterated because it consisted in whole or in part of filthy, decomposed, and putrid animal substances. The respondent or owner of the property has filed an answer denying the allegations of the bill. It has been stipulated by counsel, however, that the salmon in question was in fact shipped in interstate commerce and that the samples taken by agents and representatives of the Government, or used by the representatives of the Government in their tests, were taken from this lot of salmon, so that the question for you to determine in this case and the contested question is whether or not this salmon was adulterated within the meaning of this statute.

"As I said to you a moment ago, the statute provides that for the purpose of this act an article shall be deemed adulterated, in the case of food, if it consists in whole or in part of filthy, decomposed, or putrid animal substances. Now, the word 'filthy' in that connection simply means dirty, nasty, unwholesome; 'decay' means decomposed, rotten, spoiled; and 'putrid' means being in a state of putrefaction, tainted, or in such a state of decomposition that the odor therefrom is offensive to the smell. And if you believe from the preponderance of the evidence in this case that the salmon in question was either filthy, decayed, or putrid, it will be your duty to find in favor of the Government. If, on the other hand, you do not so believe, then it will be your duty to find in favor of the claimant in this case.

"Now this is a civil action and a proceeding under the pure food and drugs act. That law is a wholesome law. It is a law that is designed and intended by Congress to protect the public by prohibiting the shipment in interstate commerce of unwholesome or deleterious food, and it should be enforced by courts and juries with that object in view.

"Now the statute does not define what shall be considered filthy, decayed, or putrid within the meaning of the statute, so that each case must depend upon its own facts, and if it appears that this salmon—if you believe that this salmon was of such a character on account of its condition that it was not up to the standard required or ordinarily required in the commercial world—then it would be adulterated within the meaning of the statute.

"It is not necessary, however, for the Government to show that the eating of the salmon would be injurious to the health of the individual. That is not the question in the case, but the question is whether unwholesome to such an extent that it would not satisfy the ordinary requirements of the commercial world. If it is, then it ought to be condemned; if it is not, then your findings should be in favor of the defendant.

"The word 'decomposed' as used throughout this trial does not, of course, mean 'beginning to decompose' because decomposition sets in whenever life is extinct, and therefore there must be some state after a fish is taken out of the water and before it is put in the can when it can not be said that it is decomposed or putrid or filthy or decayed, but if a canner keeps a fish out of the water before canning for such a length of time that it becomes putrid or decayed or filthy, then puts it in cans for the purpose of sale, he is violating the statute under which this proceeding is had.

"Now the question in this case is a question of fact: Do you believe from the evidence that this salmon in question is either filthy, decayed, or putrid? If you do, then, as I said, you, of course, must find for the Government; if you do not, then you must find for the defendant. Now, that is a question for you to determine from the testimony in this case. You are the exclusive judges of it, and you are the exclusive judges of the credibility of the witnesses. Every witness is presumed to speak the truth. This, however, may be overcome by the manner in which a witness testifies, by his appearance upon the witness stand, and by contradictory testimony, and in weighing the testimony of any witness you should keep in mind the interest he may have in the result of this trial, if any such interest has been manifest or shown in this case.

"Now there have been a good many witnesses testify here as experts, that is, men who have shown from their testimony that they are skilled in the particular business in which they are engaged and about which they testified here. You are to consider their testimony for whatever you may think it worth. They are entitled to testify. The only way a court or jury oftentimes can arrive at the facts in a case is through the testimony of men skilled in the particular case, and for that reason these gentlemen have testified to their experiments, to their experience and study and other things in that respect, and you should weigh all their testimony and from that determine where you think the truth lies.

"Now the burden of proof is on the Government in this case to satisfy you by a preponderance of the evidence that the charge made in the libel is true, and by a preponderance of the evidence I simply mean it must make out the best case upon the evidence. I do not mean that it must prove the charge beyond a reasonable doubt but simply that if the evidence is evenly balanced—you believe the evidence is evenly balanced—then it has not satisfied the law by requiring it to prove its case by a preponderance of the evidence.

"Now there has been something said in this case about other salmon having been condemned, other salmon packed on the Columbia River having been condemned in suit filed by the Government. If that is true it, of course, has no bearing upon the merits of this particular case, that is, it would not be evidence either that this salmon was subject to condemnation or was not. It only became important and was developed during the trial as affecting the credibility and reliability of some of the witnesses who testified on the trial.

"Now I don't know of any other questions of law involved in the case. It is a question of fact for you to determine. Do you believe from the testimony, from a preponderance of the evidence, that this salmon was filthy, decayed, or putrid? If so, find for the Government. If you do not, find for the defendant. I understand there are two cases consolidated for trial."

The jury then retired and after due deliberation returned on February 12, 1924, a verdict for the Government. On April 9, 1924, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the claimant, Jeldness Bros. & Co., upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be sold as food for salmon fry to the Fish Commission of the State of Oregon.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12222. Adulteration of shell eggs. U. S. v. 20 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17822. I. S. No. 17829-v. S. No. C-4106.)

On August 15, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the Unied States for said district a libel praying the seizure and condemnation of 20 cases of shell eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Boos Produce Co. from West Bend, Iowa, August 10, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 31, 1923, the John L. Brink Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12223. Adulteration of shell eggs. U. S. v. 115 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17755. I. S. No. 4246–v. S. No. C–4086.)

On August 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 115 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the S. W. Mahan Produce Co., from Sigourney, Iowa, July 20, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 14, 1923, the John L. Brink Co., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12224. Adulteration of catsup. U. S. v. 418 Cases and 400 Cases of Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18379. I. S. Nos. 17615–v, 17616–v. S. No. C–4283.)

On February 13, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 818 cases of catsup remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Brooks Tomato Products Co., from Shirley, Ind., in part October 24 and in part November 5, 1923, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Contents 8 Pounds Kenmore Brand Tomato Catsup."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On March 26, 1924, the Brooks Tomato Products Co., Shirley, Ind., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12225. Misbranding of tomatoes. U. S. v. Garcia & Maggini Co., a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17698. I. S. Nos. 8670–v, 11270–v, 11271–v, 11272–v.)

On January 14, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Garcia & Maggini Co., a corporation, San Francisco, Calif., alleging that on or about June 5 and 12, 1923, respectively, the said company did deliver at San Francisco, Calif., for shipment from the State of California into the Territory of Hawaii, various consignments of tomatoes which were misbranded in violation of the food and drugs act, as amended. Two consignments of the article were labeled in part: (Crate) "Shipped By Garcia & Maggini Co. * * * Green Net 20 Lbs." A third consignment, 1 crate, of the article was labeled in part: (Crate) "Fancy Green * * * 21 Lbs. Net." The remainder of the consignment was labeled: (Crate) "Shipped By Garcia & Maggini Co. S. F." The fourth consignment bore no statement as to the quantity of the contents of the article.

Examination by the Bureau of Chemistry of this department of the product involved in the three consignments labeled "20 Lbs. Net" showed that the net weight of the product in the said crates was less than 20 pounds.

Misbranding was alleged with respect to a portion of the article for the reason that the statements, to wit, "Net 20 Lbs.," and "20 Lbs. Net," as the case might be, borne on the crates containing the said article, were false and misleading, in that the said statements represented that the said crates contained 20 pounds net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said crates contained 20 pounds net of the article, whereas, in truth and in fact, each of said crates did not contain 20 pounds net of the article but did contain a less amount. Misbranding was alleged with respect to the product involved in all of the consignments for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12226. Adulteration of Brazil nuts. U. S. v. 123 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17981. I. S. No. 15804–v. S. No. E–4567.)

On November 7, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 123 bags of Brazil nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Wilson Holgate & Co., from Mansos, Brazil, on or about March 27, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the articles was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 13, 1924, the Hills Bros. Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be sorted in a manner satisfactory to this department and the bad portion destroyed, and conditioned further that if such sorting be not accomplished to the satisfaction of this department the entire lot be denatured or destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12227. Adulteration and misbranding of butter. U. S. v. Central Illinois Creamery Co., a Corporation. Plea of nolo contendere. Fine, $100 and costs. (F. & D. No. 17140. I. S. No. 1703–v.)

On June 27, 1923, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Central Illinois Creamery Co., a corporation, Nokomis, Ill., alleging ship-

ment by said company, in violation of the food and drugs act, on or about August 30, 1922, from the State of Illinois into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive moisture and was deficient in butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the article was a product deficient in milk fat and contained an excessive amount of water, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, butter.

On February 5, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12228. Adulteration and misbranding of olive oil. U. S. v. Christos A. Touris. Plea of guilty. Fine, $120. (F. & D. No. 16557. I. S. No. 17003–t.)

On December 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christos A. Touris, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about September 16, 1921, from the State of New York into the District of Columbia, of a quantity of olive oil which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of olive oil and peanut oil. Examination by said bureau showed that the cans contained less than 1 gallon net of the article.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, peanut oil or oil other than olive oil, had been substituted in whole or in part for Italian olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure * * * of Termini Imerese Italy Sicilia-Italia 1 Gallon Net," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it consisted wholly of a foreign product, to wit, an olive oil produced in Sicily in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it consisted wholly of a foreign product, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of peanut oil and oil other than olive oil; it was not a foreign product, to wit, an olive oil produced wholly in Sicily, in the Kingdom of Italy, but was in whole or in part a domestic product, to wit, peanut oil and oil other than olive oil produced in the Kingdom of Italy, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive names of other articles, to wit, olive oil and olive oil of Termini Imerese, Italy—that is to say, Italian olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $120.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12229. Adulteration and misbranding of lemon extract. U. S. v. 840 Bottles of Lemon Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15785. I. S. No. 18431–t. S. No. C–3466.)

On March 22, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 15, 1922, an amended libel, praying the seizure and condemnation of 700 1-ounce bottles, 50 2-ounce bottles, and 90 4-ounce bottles of lemon extract, at Little Rock, Ark., alleging that the article had been shipped by the Continental Drug Corp., from St. Louis, Mo., on or about March 25, 1921, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "The Original Package Line Purity * * * Ext. Of Lemon * * * Purity and Strength Guaranteed By Continental Drug Corp. * * * St. Louis 1 Oz. (or "2 Oz." or "Contents 4 Ounces.")

Adulteration of the article was alleged in substance in the libel for the reason that a substance, namely, a diluted lemon extract, had been mixed and packed with and substituted in part for extract of lemon. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore the statement, "Ext. Of Lemon," regarding the ingredients or substances contained in the article, which was false and misleading and deceived and misled the purchaser, since the said article was in fact a diluted extract of lemon. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, extract of lemon. Misbranding was alleged with respect to the product involved in the 4-ounce bottles for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12230. Misbranding of olive oil. U. S. v. 38 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 16086, 16087. I. S. Nos. 13910–t, 13911–t, 13914–t. S. Nos. W–1064, W–1065.)

On April 10, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 half-gallon cans and 43 quarter-gallon cans of olive oil, remaining in the original unbroken packages in part at Trinidad, Colo., and in part at Pueblo, Colo., consigned by the Nasiacos Importing Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., in various consignments between the dates of September 14, 1921, and February 16, 1922, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: "Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill."

Misbranding of the article was alleged in substance in the libels for the reason that the statement, to wit, "Contents * * * ½ Gallon," appearing in conspicuous type on the alleged half-gallon cans and the statement, to wit, "Contents * * * ¼ Gallon," appearing in conspicuous type on the alleged quarter-gallon cans, were false and misleading and not sufficiently corrected by the respective statements in smaller and inconspicuous type, namely, "60 fl. * * * ozs.," immediately underneath the larger type, on the said half-gallon cans, and, "30 fl. * * * ozs.," immediately underneath the larger type on the said quarter-gallon cans, and for the further reason that the said statements deceived and misled the purchaser, in that the net contents of the said cans were less than one-half gallon and one-quarter gallon, respectively. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 26 and April 30, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were

entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12231. Adulteration of walnuts. U. S. v. 96 Bags of Walnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18126. I. S. No. 15797–v. S. No. E–4626.)

On December 3, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 96 bags of walnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Marcel Carleu Syndicat Noix, from Havre, France, on or about November 17, 1922, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On March 18, 1924, J. Kutsukian & Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be sorted to the satisfaction of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12232. Adulteration of shell eggs. U. S. v. 17 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17757. I. S. No. 4247–v. S. No. C–4089.)

On August 6, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of eggs, remaining in the original unbroken packages at Chcago, Ill., alleging that the article had been shipped by O. J. Campbell from Richland Center, Wis., July 27, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 31, 1923, Leserman Bros., Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12233. Adulteration of shell eggs. U. S. v. 143 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17758. I. S. No. 4248–v. S. No. C–4101.)

On August 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 143 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by A. H. Halvorson, from Ceylon, Minn., August 2, 1923, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 22, 1923, William Ebeling, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree,

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12234. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17821. I. S. No. 17827–v. S. No. C–4102.)

On August 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Union Produce Co., Lorimor, Iowa, July 30, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 14, 1923, Swift & Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12235. Adulteration of shell eggs. U. S. v. 397 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17756. I. S. No. 7027–v. S. No. C–4087.)

On August 3, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 397 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Holstein Cooperative Creamery Co. from Holstein, Iowa, July 30, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 14, 1923, the John L. Brink Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12236. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17627. I. S. No. 4240–v. S. No. C–4062.)

On July 6, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Ewen Creamery Co. from Ewen, Mich., in part June 12 and in part June 19, 1923,

and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been abstracted wholly or in part from the article.

On December 23, 1923, the Ewen Creamery Co., Ewen, Mich., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it would contain not less than 80 per cent of butterfat and not more than 16 per cent of water.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12237. Adulteration and misbranding of saccharine meal. U. S. v. 400 Sacks of Saccharine Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16983. I. S. No. 3180-v. S. No. E-3247.)

On or about November 22, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of saccharine meal consigned by the Milam-Morgan Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., on or about September 30, 1922, and transported from the State of Louisiana into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "100 Lbs. Net When Packed Steam Dried Saccharine Meal Manufactured by Milam-Morgan Co., Ltd. New Orleans, La. * * * Guaranteed Analysis Fat 1.00% Protein 7.00% Carbohydrates 50.00% Fiber 17.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in fat and protein had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements in the labeling, "Fat 1.00%" and "Protein 7.00%," were false and misleading and deceived and misled the purchaser, since the said article was deficient in fat and protein.

On December 12, 1922, the Milam-Morgan Co., New Orleans, La., claimant, having admitted the allegations of the libel as to the misbranding of the product, but claiming that such was unintentional, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled so as to accurately and correctly describe the said article.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12238. Misbranding of flour. U. S. v. 48 Sacks of Flour. Decree ordering release of product under bond to be reconditioned or relabeled. (F. & D. No. 17684. I. S. No. 11818-v. S. No. W-1403.)

On August 16, 1923, the United States attorney for the district of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 48 sacks of flour at Reno, Nev., alleging that the article had been shipped by the Globe Grain & Milling Co. from Ogden, Utah, on or about July 2, 1923, and transported from the State of Utah into the State of Nevada, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Globe Mills * * * Flour Fancy Patent Globe 'A 1' Quality First Ogden-Utah * * * Bleached * * * Net Weight 12 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labeling, "Net Weight 12 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23, 1924, the Globe Grain & Milling Co., Ogden, Utah, having appeared as claimant for the property, and the court having found that the Government had established the material allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled in compliance with the law and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12239. Adulteration of tomato paste. U. S. v. 12 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18169. I. S. No. 4987–v. S. No. C–4221.)

On December 14, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of tomato paste, at Cincinnati, Ohio, consigned by John S. Mitchell, Inc., Sharpsville, Ind., October 24, 1923, alleging that the article had been shipped from Sharpsville, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Concentrated Tomato Concentrato Di Pomidoro * * * Liberty Bell Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On February 25, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12240. Adulteration of chestnuts. U. S. v. 20 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18124. I. S. No. 4738–v. S. No. C–4211.)

On November 27, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 sacks of chestnuts, at Cincinnati, Ohio, consigned by Fish & Reinhart, Clyde, N. C., on or about October 19, 1923, alleging that the article had been shipped from Clyde, N. C., and transported from the State of North Carolina into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12241. Misbranding of Lafayette pain anodyne. U. S. v. 9 Dozen Bottles of Lafayette Pain Andyne [Anodyne]. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18202. S. No. E–4665.)

On December 26, 1923, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 dozen bottles of Lafayett pain andyne [anodyne], remaining in the original unbroken packages at Norwich, Conn., alleging that the article had been shipped by the Lafayette Co., Berlin, N. H., on or about July 20, 1923, and transported from the State of New Hampshire into the State of Connecticut, and charging misbranding in violation of the food and drugs act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of volatile oils, such as spearmint and cassia oils, camphor, capsicum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labels upon the bottles containing the said article bore the following statements: "Pain Anodyne * * * Kills Your Pain Internally and Externally For the relief of Rheumatism, Sore Throat, Coughs, Chills * * * Diarrhoea, Colic, Cholera Morbus, Painful Menstruation, Stiff Joints * * * Neuralgia * * * Burns, Backache * * *. Will relieve pain

of any kind * * * to be repeated every hour until relieved," (French) "For Rheumatism, Coughs, Chills * * * Cholera, Colics, painful Menstruation * * * Cold in the Head * * * Sore Throat * * * Burns * * * Stiff Joints, Neuralgia," which said statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12242. Misbranding of Texas Wonder. U. S. v. 36 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13198. I. S. No. 9418-t. S. No. E-2472.)

On or about August 14, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 bottles of Texas Wonder, at Augusta, Ga., alleging that the article had been shipped by G. Nash, St. Louis, Mo., on or about July 24, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "Recommended For Kidney and Bladder Troubles When Operation Not Required, Weak or Lame Backs, Rheumatism, Gravel and Bladder Troubles in Children"; (circular headed "Read Carefully") "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubard and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the carton label and in the accompanying circular were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed.

On October 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12243. Misbranding of flour. U. S. v. 100 Sacks of Flour. Decree ordering release of product under bond to be reconditioned or relabeled. (F. & D. No. 17683. I. S. No. 11821-v. S. No. W-1402.)

On August 16, 1923, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of flour, at Reno, Nev., alleging that the article had been shipped by the Sperry Flour Co., from Ogden, Utah, on or about July 19, 1923, and transported from the State of Utah into the State of Nevada, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Sperry Special Bakers Extra Bleached Sperry Flour Co. U. S. A. 98 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labeling, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 30, 1923, the Consolidated Warehouse Co., Reno, Nev., having appeared as claimant for the property and the court having found that the Government had established the material allegations of the libel, judgment was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled, in compliance with the law, and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12244. Misbranding of cottonseed meal. U. S. v. Planters Oil Co., a Corporation. Plea of guilty. Fine, $300. (F. & D. No. 17610. I. S. Nos. 3170–v, 3171–v, 3208–v, 3253–v, 3272–v.)

On December 8, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 17, 18, 19, and 29, 1922, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "100 Lbs. Second Class Cotton Seed Meal Manufactured by Planters Oil Co. Albany, Ga. Guaranteed Analysis. Ammonia (Actual and potential 7.00 per cent (Equivalent to Protein 36.00 per cent)."

Analysis by the Bureau of Chemistry of this department of a sample from each of the five consignments showed the product to contain less ammonia and protein than stated on the labels, the said samples ranging from 6.38 per cent to 6.80 per cent of ammonia, and 32.81 per cent to 34.96 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis. Ammonia (Actual and potential 7.00 per cent (Equivalent to Protein 36.00 per cent)," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article contained 7 per cent of ammonia, the equivalent of 36 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 7 per cent of ammonia, the equivalent of 36 per cent of protein, whereas, in truth and in fact, it did not contain 7 per cent of ammonia but did contain a less amount, the five consignments containing approximately 6.66, 6.80, 6.44, 6.38, and 6.50 per cent of ammonia, respectively, the equivalent of 34.25, 34.96, 33.14, 32.81, and 33.44 per cent of protein, respectively.

On February 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $300.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12245. Misbranding of cottonseed meal. U. S. v. Yorkville Cotton Oil Co., a Corporation. Plea of nolo contendere. Fine, $50. (F. & D. No. 17708. I. S. No. 3299–v.)

On November 17, 1923, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Yorkville Cotton Oil Co., a corporation, York, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about February 10, 1923, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds Net 36 Per Cent Protein Cotton Seed Meal Good Quality Manufactured By Yorkville Cotton Oil Co., York, S. C. Guaranteed Analysis Protein 36 per cent Ammonia 7 per cent * * * Fiber 12 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 33.81 per cent of protein, 6.58 per cent of ammonia, and 12.96 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 36 per cent Ammonia 7 per cent * * * Fiber 12 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 12 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 12 per cent of fiber, whereas, in truth and in fact, the article contained less protein and ammonia and more fiber than declared on the label, to wit, approximately 33.69 per cent of protein, 6.58 per cent of ammonia, and 12.96 per cent of fiber.

On March 13, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12246. Adulteration and misbranding of canned shrimp. U. S. v. Carl L. Shephard, Homer L. Oliver, and Samuel E. Montgomery (Acme Packing Co.). Nolle prossed as to Carl L. Shephard and Homer L. Oliver. Plea of nolo contendere by Samuel E. Montgomery. Fine, $25. (F. & D. No. 17239. I. S. Nos. 4054–v, 5429–v.)

On November 6, 1923, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carl L. Shephard, Homer L. Oliver, and Samuel E. Montgomery, copartners, trading as the Acme Packing Co., Apalachicola, Fla., alleging shipment by said defendants, in violation of the food and drugs act, as amended, on or about March 31, 1922, from the State of Florida into the State of Minnesota, and on or about May 19, 1922, from the State of Florida into the State of Wisconsin, of quantities of canned shrimp which was adulterated and misbranded. The article was labeled in part: (Can) "Wet contents 5¾ Oz. Harbor Brand * * * Fancy Shrimp * * * Packed By Acme Packing Co., Apalachicola, Florida."

Examination by the Bureau of Chemistry of this department showed that the average weight of 12 cans from one shipment was 5.23 ounces and that the average weight of 20 cans from the other shipment was 5.16 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for shrimp, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Shrimp" and "Contents 5¾ Oz.," borne on the labels attached to the cans containing the article, were false and misleading, in that they represented that the article consisted wholly of shrimp, and that each of the said cans contained 5¾ ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of shrimp, and that each of said cans contained 5¾ ounces of the article, whereas, in truth and in fact, it did not consist wholly of shrimp but did consist in part of excessive brine, and each of said cans did not contain 5¾ ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 7, 1924, a nolle prosequi having been entered with respect to Carl L. Shephard and Homer L. Oliver, a plea of nole contendere was entered by Samuel E. Montgomery, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12247. Adulteration of shell eggs. U. S. v. Harry H. McNemar. Plea of guilty. Fine, $100. (F. & D. No. 16969. I. S. No. 1105–v.)

On April 3, 1923, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry H. McNemar, Petersburg, W. Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 24, 1922, from the State of West Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From H. H. McNemar * * * Petersburg, W. Va."

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed that 31, or 8.6 per cent of those examined, were inedible eggs, consisting of mixed or white rots, moldy eggs, and black rots.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 1, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12248. Misbranding of canned shrimp. U. S. v. 55 Cases of Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18498. I. S. No. 2914–v. S. No. E–3910.)

On March 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 55 cases of canned shrimp, remaining in the original

unbroken packages at Philadelphia, Pa., consigned by Marine Products, Inc., New Orleans, La., from Gulfport, Miss., alleging that the article had been shipped from Gulfport, Miss., on or about September 6, 1923, and transported from the State of Mississippi into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that the label on the retail package containing the article bore the following statements, "Seafooco Brand Shrimp * * * Wet Pack Packed By Sea Food Co., Biloxi, Miss. * * * Contents 5¾ Ozs. Shrimp * * * Sea Food Co.", which were false and misleading, in that they represented to the purchaser that each package [can] contained 5¾ ounces of shrimp, when, in fact, it did not.

On April 9, 1924, the Seafood Co., Biloxi, Miss., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12249. Adulteration of coal-tar color. U. S. v. 1 Can, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14782, 14783. I. S. Nos. 504–t, 1596–t. S. Nos. C–2963, C–2966.)

On April 12 and 14, 1921, respectively, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1 can containing 5 pounds and 3 cans, each containing 1 pound of coal-tar color, in part at Springfield and in part at Cincinnati, Ohio, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 15 and 22, 1921, respectively, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "5 Lbs. Net" (or "1 Lb. Net") "* * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements Warranted * * * Contents Red."

Adulteration of the article was alleged in the libels for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On November 15, 1921, and February 25, 1924, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12250. Adulteration of butter. U. S. v. 143 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18180. I. S. No. 1968–v. S. No. E–4647.)

On December 17, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 143 pounds of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the J. H. Neil Creamery Co., from Tama, Iowa, on or about November 10, 1923, and transported from the State of Iowa into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Fancy Creamery Butter * * * One Pound Net."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

On March 27, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 12201 TO 12250

*Contains instructions to jury.

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12251–12300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 19, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12251. Adulteration and misbranding of assorted jellies. U. S. v. 209 Cases and 68 Cases of Assorted Jelly. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17737, 17750. I. S. Nos. 4568–v, 4569–v, 4570–v, 4571–v, 4572–v, 4573–v, 4574–v, 4575–v, 4776–v, 4777–v, 4778–v, 4779–v. S. Nos. C–4008. C–4009.)

On August 22 and 28, 1923, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 277 cases of assorted jellies, at Cincinnati, Ohio, consigned by the Paul De Laney Co. (Inc.), Brocton, N. Y., in part May 17, 1923, and in part May 21, 1923, alleging that the article had been shipped from Brocton, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Delco Brand Pure Apple Jelly Packed By The Paul DeLaney Co. Inc. Brocton, N. Y." The remainder of the article was labeled in part: "Delco Brand Pure fruit Jelly Grape-Apple" (or "Cherry-Apple" or "Strawberry-Apple," or "Blackberry-Apple." or "Currant-Apple," or "Raspberry-Apple") Packed By The Paul DeLaney Co. Inc. Brocton, N. Y."

Adulteration of the article was alleged in the libels for the reason that imitation jelly had been mixed and packed with and substituted wholly and in part for fruit jelly.

Misbranding was alleged for the reason that the statements on the respective labels, "Pure Fruit Jelly Strawberry-Apple," "Grape-Apple," "Cherry-Apple," "Blackberry-Apple," "Currant-Apple," "Raspberry-Apple," "Pure Apple Jelly," and "Pure Fruit Jelly Strawberry-Apple," "Pure Fruit Jelly Currant-Apple," "Pure Fruit Jelly Raspberry-Apple," "Pure Fruit Jelly Cherry-Apple," and "Pure Apple Jelly," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure fruit jelly.

On January 10, 1924, the Paul DeLaney Co., Brocton, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12252. Adulteration and misbranding of "oil savin." U. S. v. 1 Bottle of Oil Savin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17675. I. S. No. 4611–v. S. No. C–4080.)

On July 31, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 1 bottle of "oil savin" at Cincinnati, Ohio, consigned by Magnus, Mabee & Reynard, New York, N. Y., June 14, 1923, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, "Oil Savin Imported."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consisted in whole or in large part of an oil other than savin oil.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement in the label, "Oil Savin," was false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the name of another article.

On January 23, 1924, no claimant having appeared for the property, judgment of the court was entered which, as subsequently amended, provided for the condemnation, forfeiture, and destruction of the product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12253. Adulteration of canned sauerkraut. U. S. v. 500 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17461. I. S. No. 4894–v. S. No. C–3964.)

On April 19, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 500 cases of canned sauerkraut, at Cincinnati, Ohio, consigned by the Tripp Warehouse Co., Indianapolis, Ind., March 15, 1923, alleging that the article had been shipped from Indianapolis, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Monument Brand * * * Sauer Kraut * * * Packed by Hagelskamp Bros. & Haverkamp Indianapolis."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid vegetable substances.

On January 23, 1924, no claimant having appeared for the property, a judgment of the court was entered which, as subsequently amended, provided for the condemnation, forfeiture, and destruction of the product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12254. Adulteration of ground marjoram. U. S. v. 25 Pounds of Marjoram. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17824. I. S. No. 4622–v. S. No. C–4118.)

On September 12, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 25 pounds of marjoram, at Cincinnati, Ohio, consigned by Van Loan & Co., New York, N. Y., on or about August 7, 1923, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "25 Lbs. Pure Ground German Marjoram."

Adulteration of the article was alleged in the libel for the reason that grit had been mixed and packed with and substituted wholly or in part for the said article.

On January, 23, 1924, no claimant having appeared for the property, judgment of the court was entered which, as subsequently amended, provided for the condemnation, forfeiture, and destruction of the product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12255. Adulteration of canned sardines. U. S. v. 38 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17740. I. S. No. 4616–v. S. No. C–4112.)

On August 22, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 38 cases of sardines at Cincinnati, Ohio, consigned by the Columbian Canning Co., Lubec, Me., on or about July 6, 1923, alleging that the article had been shipped from Lubec, Me., and transported from the State of Maine into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Champion Brand American Sardines * * * Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 22, 1924, no claimant having appeared for the property, judgment of the court was entered, which, as subsequently amended, provided for the condemnation, forfeiture, and destruction of the product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12256. Adulteration and misbranding of alimentary paste. U. S. v. 10 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18284. I. S. No. 12121–v. S. No. W–1471.)

On February 2, 1924, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 10 boxes, 20 pounds each, of alimentary paste, remaining unsold in the original packages at Raton, N. Mex., alleging that the article had been shipped by the Queen City Macaroni Manufacturing Co. from Denver, Colo., January 12, 1924, and transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Shipping package) "Golden West Brand * * * Manufactured And Guaranteed By Queen City Macaroni Mfg. Co. * * * Denver, Colo." (stencil) "Extra Fine Semolina Net Weight 20 Lbs." (case) "Mezzani," "Ziti," and "Perciatelli," respectively.

Adulteration of the article was alleged in substance in the libel for the reason that a product containing excessive moisture and in part artificially colored had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Extra Fine Semolina," "Mezzani," "Ziti," and "Perciatelli," "Net Weight 20 Lbs.," as the case might be, were false and misleading and were intended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents of the said packages was not plainly and conspicuously marked on the outside of the package.

On April 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12257. Adulteration of shell eggs. U. S. v. 47 Cases et al., of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18297, 18370, 18371, 18372, 18373, 18374. I. S. No. 11931–v. S. No. W–1473.)

On January 23, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 131 cases of eggs, at Denver, Colo., consigned by the Hastings Poultry Co., Hastings, Nebr., alleging that the article had been shipped from Hastings, Nebr., on or about January 18, 1924, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On January 28, 1924, the cases having been consolidated into one action and the Green Bros. Fruit & Produce Co., Denver, Colo., claimant, having ad-

mitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be examined under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12258. Adulteration of canned salmon. U. S. v. 5,212 Cases, et al., of Salmon. Decrees of condemnation. Product released under bond. (F. & D. Nos. 17880, 17977. I. S. Nos. 8402-v, 12068-v. S. Nos. W-1430, W-1435.)

On October 30 and November 6, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 5,524 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Port Beauclaire [Beauclerc], Alaska, in part by the Kenai [Kuiu Island] Warehouse Co., September 22, 1923, and in part by the Beauclaire Packing Co., October 12, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 7, 1924, the Beauclaire Packing Co., claimant, having paid the costs of the proceedings and executed bonds in the aggregate sum of $2,500, in conformity with section 10 of the act, judgements of condemnation were entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, that the portion found to be wholesome be released unconditionally, and that the remainder thereof be disposed of in accordance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12259. Adulteration of butter. U. S. v. 28 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18526. I. S. No. 15453-v. S. No. E-4794.)

On April 2, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 28 tubs of butter remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Pipestone Produce Co., Pipestone, Minn., on or about March 5, 1924, and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On April 9, 1824, Bartlett, Varney & Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon the payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12260. Adulteration and misbranding of cottonseed meal. U. S. v. 475 Sacks of Cottonseed Meal. Decree of condemnation. Product released under bond. (F. & D. No. 18502. I. S. No. 9015-v. S. No. E-4782.)

On March 21, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 475 sacks of cottonseed meal, consigned from Cheraw, S. C., remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by the Ashcraft-Wilkinson Co., of Atlanta, Ga.,

on or about January 29, 1924, and transported in interstate commerce into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statements, "100 lbs. Net Paramount Brand * * * Good Cotton Seed Meal Ashcraft-Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Ingredients: Made from upland cotton seed," were false and misleading and deceived and misled the purchaser, in that said statements represented that the article contained a minimum of 36 per cent of protein and a minimum of 7 per cent of ammonia, whereas, in truth and in fact, the said article contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 15, 1924, Duncan H. Pierce, trading as the Foster Grain Co., Lowell, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12261. Adulteration and misbranding of canned oysters. U. S. v. 75 Cases and 250 Cases of Oysters. Product released under bond to be relabeled. (F. & D. No. 17554. I. S. Nos. 11464–v, 11465–v. S. No. W–1386.)

On June 11, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 75 cases, containing 8-ounce cans and 250 cases containing 10-ounce cans of oysters, at Tacoma, Wash., alleging that the article had been shipped by the Dixie Fruit Products Co., from Mobile, Ala., on or about March 21, 1923, and transported from the State of Alabama into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Can and case) "Mo–Bil–Bay Brand * * * Oysters * * * Packed Expressly For Dixie Fruit Products Co. Mobile, Ala. * * * Contains 8 Ozs. Oysters" (or "Contains 10 Ozs. Oysters").

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Contains 8 Ozs. Oysters" and "Contains 10 Ozs. Oysters," appearing on the respective cases and cans, were false and misleading and deceived and misled purchasers thereof. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 28, 1923, the Dixie Fruit Products Co., Mobile, Ala., claimant, having paid the costs of the proceedings and executed a good and sufficient bond in conformity with section 10 of the act, conditioned in part that the product be relabeled according to law, it was ordered by the court that the said product be released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12262. Misbranding of Steriloid. U. S. v. Charles H. Martin (The Martin Remedy Co.). Plea of guilty. Fine, $10. (F. & D. No. 16402. I. S. No. 11057–t.)

On December 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Charles H. Martin, trading as the Martin Remedy Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about October 15, 1921, from the State of New York into the State of California, of a quantity of Steriloid which was misbranded. The

article was labeled in part: "Steriloid * * * The Martin Remedy Co. * * * New York City."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consisted of a mixture of alum, boric acid, lead acetate, milk sugar, and a trace of potassium iodide.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative effects thereof appearing on the labels of the boxes containing the said article and in the accompanying booklet, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for abortion and sterility in cows and other domestic animals, when, in truth and in fact, it contained no ingredients or medicinal agents capable of producing the effects claimed.

On April 21, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12263. Misbranding of olive oil. U. S. v. 17 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17888. I. S. no. 8526-v. S. No. W-1432.

On November 1, 1923, the United States attorney for the district of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 17 cans of olive oil, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 17, 1923, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Can) "Net Contents One Gallon * * * Pure Olive Oil * * * Universal Brand. Deligiannis Bros. Chicago. U S A"

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents One Gallon," appearing on the said cans, was false and misleading and deceived and misled the purchaser, since the net contents of each of the said cans was less than 1 gallon. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be correctly labeled and sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12264. Adulteration and misbranding of vanilla extract. U. S. v. 366 Dozen and 218 Dozen Bottles of Vanilla Compound. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 17876. I. S. Nos. 8432-v, 8434-v. S. No. W-941.)

On October 26, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 584 dozen bottles of vanilla compound, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Heinrich Chemical Co. from Minneapolis, Minn., in part July 5, 1922, and in part July 21, 1923, and transported from the State of Minnesota into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Heinrich's Compound of Vanilla, Vanillin and Coumarin * * * Heinrich Chemical Co." The article was shipped in cases a portion of which bore the statement: "Vanilla Compound From Heinrich Chemical Co. Minneapolis, Minn." and the remainder of which bore the statement: "Vanilla From Heinrich Chemical Co., Minneapolis, Minn."

Adulteration of the article was alleged in the libels for the reason that it was an imitation extract consisting of a hydroalcoholic solution of vanillin and coumarin, artificially colored, which had been mixed and packed with and substituted wholly or in part for vanilla extract.

Misbranding was alleged for the reason that the statements "Vanilla Compound" or "Vanilla," as the case might be, appearing on the said cases and the statement "Compound of Vanilla, Vanillin and Coumarin," appearing on the said bottles, were false and misleading and deceived and misled the pur-

chaser when applied to imitation vanilla extract. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 1, 1924, the Heinrich Chemical Co., Minneapolis, Minn., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the article be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,650, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the act under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12265. Adulteration of frozen whole eggs. U. S. v. 445 Tins of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18299. I. S. No. 13127–v. S. No. E–4730.)

On February 13, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 445 tins of frozen whole eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Washington Cooperative Egg & Poultry Assoc., Seattle, Wash., November 7, 1923, and transported from the State of Washington into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 9, 1924, the Pacific Egg Producers Cooperative (Inc.), claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed or denatured, and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12266. Misbranding of chop feed. U. S. v. David Stott Flour Mills, a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 14897. I. S. No. 18532–r.)

On September 14, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against David Stott Flour Mills, a corporation, Detroit, Mich., alleging shipment by said company, in violation of the food and drugs act, on or about January 17, 1920, from the State of Michigan into the State of New Hampshire, of a quantity of chop feed which was misbranded. The article was labeled in part: (Tag) "Stott's Winner Chop * * * Average Analysis Protein (N x 6.25) . . . . 10.00% Crude Fat . . . . 5.00% * * * From David Stott Flour Mills Detroit, Mich."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.87 per cent of protein and 2.85 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Average Analysis Protein (N x 6.25) . . . . 10.00%" and "Crude Fat . . . . 5.00%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 10 per cent of protein and not less than 5 per cent of crude fat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein and not less than 5 per cent of crude fat, whereas, in truth and in fact, it contained less than 10 per cent of protein and less than 5 per cent of crude fat, to wit, 8.87 per cent of protein and 2.85 per cent of crude fat.

On March 23, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12267. Adulteration and misbranding of canned oysters. U. S. v. 60 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17723. I. S. No. 5348–v. S. No. C–4103.)

On September 6, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 60 cases of oysters remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., from Houma, La., on or about February 28, 1923, and transported from the State of Louisiana into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "'Pelican Lake' Brand * * * Contents 5 Oz. Selected Oysters * * * Packed By Pelican Lake Oyster & Packing Co., Ltd. Houma, La."

Adulteration of the article was alleged in substance in the libel for the reason that it contained excessive brine, which had been packed and mixed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statement, "Contents 5 Oz. * * * Oysters," appearing on the cans, was false and misleading. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 31, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12268. Adulteration and misbranding of Eskimo coating. U. S. v. 175 Pounds of Eskimo Coating. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18513. I. S. No. 2997–v. S. No. E–4791.)

On March 27, 1924, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 175 pounds of Eskimo coating remaining in the original unbroken packages at Philadelphia, Pa., consigned by F. Bischoff (Inc.), Brooklyn, N. Y., alleging that the article had been shipped from Brooklyn, N. Y., on or about February 21, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "F. Bischoff Inc. * * * Brooklyn N Y * * * Special Eskimo Coating."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, foreign fat, had been mixed and packed wholly or in part for the said article.

Misbranding was alleged for the reason that the retail package inclosing the said article contained a label which bore the following statements: "F. Bischoff Inc Manufacturers Of Pure High Grade Cocoa & Chocolate Brooklyn N Y. Keep In A Cool And Dry Place * * * 100 Pounds F. Bischoff's A–1 Special Eskimo Coating," which were false and misleading in that the said statements indicated that the package contained the substances declared in the said label when, in fact and in truth, it did not. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1924, F. Bischoff (Inc.), Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12269. Adulteration and misbranding of olive oil. U. S. v. Giuseppe Battaglia (the Southern Importing Co.). Plea of guilty. Fine, $170. (F. & D. No. 16848. I. S. Nos. 6697–t, 6698–t, 6699–t, 6700–t, 7002–t, 7003–t.)

On May 7, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against

Giuseppe Battaglia, trading as the Southern Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 4, 5, 14, and 19, 1921, respectively, of quantities of olive oil, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: (Can) "Finest Quality Table Oil Tipo Termini Imerese (inconspicuous type) Cottonseed Oil Slightly Flavored With Olive Oil 1 Gallon Net" (or "½ Gallon Net"). A second portion of the article was labeled in part: (Can) "Il Famoso Olio per Insalata * * * Medaglie Universali Cotton Salad Oil 1 Gallon Net." A third portion of the article was labeled in part: (Can) "1 Quart Net" (or "1 Gallon Net") Sico Brand Extra Fine Olive Oil Guaranteed Absolutely Pure Packed by Southern Importing Co."

Analyses of samples of the Il Famoso oil and the Table Oil Tipo Termini Imerese by the Bureau of Chemistry of this department showed that they consisted of cottonseed oil with little or no olive oil present. Examination of the various-sized cans containing the respective consignments of the article by said bureau showed that the said cans contained less of the said article than was declared on the labels.

Adulteration of the Table Oil Tipo Termini Imerese and of the Il Famoso oil was alleged in the information for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the Table Oil Tipo Termini Imerese was alleged for the reason that the respective statements, to wit, "1 Gallon Net" and "½ Gallon Net," and the statement in prominent type, "Finest Quality Table Oil Tipo Termini Imerese," not corrected by the statement in inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil," together with the design and device of an olive tree with natives picking olives, borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil and that each of the said cans contained 1 gallon net, or one-half gallon net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was olive oil and that each of the said cans contained 1 gallon net, or one-half gallon net, as the case might be, of the said article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed oil, and each of the said cans did not contain the amount declared on the respective labels but did contain a less amount. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the said cans purported the said article to be a foreign product when not so. Misbranding was alleged with respect to the said table oil for the further reason that the statement, to wit, "Cottonseed Oil Slightly Flavored with Olive Oil," borne on the said cans was false and misleading in that it represented that the article was slightly flavored with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was slightly flavored with olive oil, whereas, in truth and in fact, it was not slightly flavored with olive oil, in that it contained no olive oil.

Misbranding of the Il Famoso oil was alleged for the reason that the statements, to wit, "Il Famoso Olio per Insalata," "Medaglie Universali," together with the designs and devises of olive branches and Italian Medals and "1 Gallon Net," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, said article was not olive oil but was a product composed in whole or in part of cottonseed oil, it was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the fur-

ther reason that the statements, designs, and devices borne on the said cans purported the said article to be a foreign product when not so.

Misbranding was alleged with respect to the Sico Brand Olive Oil for the reason that the statements, to wit, "1 Quart Net" and "1 Gallon Net," borne on the respective-sized cans containing the article, regarding the said article, were false and misleading in that they represented that each of the said cans contained 1 quart net or 1 gallon net, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 quart net or 1 gallon net, as the case might be, of the said article, whereas, in truth and in fact, each of said cans did not contain the amount declared on the labels but did contain a less amount.

Misbranding was alleged with respect to the product involved in all the consignments for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 25, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $170.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12270. Adulteration of tomato stock. U. S. v. 295 Cases, et al., of Tomato Stock. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18199, 18200, 18238, 18239, 18250, 18251. I. S. Nos. 932–v, 933–v, 934–v, 935–v, 936–v. S. Nos. E–4670, E–4671, E–4675, E–4677, E–4684.)

On January 2, 1924, the United States attorney for the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 1,628 cases of tomato stock remaining in the original unbroken packages in part at Charleston, S. C., and in part at Georgetown, S. C., alleging that the article had been shipped by Greenbaum [Greenabaum] Bros. (Inc.), from Seaford, Del., in part September [October] 8, 1923, and in part September 26, 1923, and transported from the State of Delaware into the State of South Carolina and charging adulteration in violation of the food and drugs act. The article was labeled variously: (Can) "Camp Brand" (or "Roxbury Brand" or "Aurora Brand" or "Roland Brand" or "Johnson Brand") "Tomato Stock * * * Packed By Greenabaum Bros.; Inc. Seaford, Sussex County, Del."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance and showed the presence of excessive mold.

On April 26, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12271. Adulteration and misbranding of canned oysters. U. S. v. 8 Cases and 10 Cases of Oysters. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18244, 18249. I. S. Nos. 18116–v, 18117–v. S. Nos. C–4242, C–4243.)

On December 27 and 28, 1923, respectively, the United States attorney for the Eastern District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 18 cases of oysters, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by the Meridian Canning Co., Meridian, Ga., on or about November 15, 1923, and transported from the State of Georgia into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: "Meridian Brand * * * Oysters Net Contents 5 Ounces Oysters * * * Packed By Meridian Canning Co. Meridian, Ga."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Meridian Brand * * * Net Contents 5 Ounces Oysters," appearing in the labelling, was false and misleading and was intended to deceive and mislead the purchaser.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 18, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12272. Misbranding of butter. U. S. v. 8 and 4 Cartons of Butter. Product released under bond. Decree that claimant pay costs. (F. & D. No. 17654. I. S. Nos. 5966–v, 5967–v, 6902–v, 6903–v. S. No. C–4067.)

On July 16, 1923, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 12 cartons, each containing 30 1-pound prints, of butter, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Southwestern Creamery Co., Joplin, Mo., on or about July 9, 1923, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Meadow Queen Brand Creamery Butter Manufactured by Southwestern Creamery Company. Joplin, Missouri * * * 16 Oz. Net." The remainder of the said article was labeled in part: "Red Rose Brand * * * 16 Ounces Net."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Sixteen Ounces," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On October 19, 1923, the Southwestern Creamery Co., Joplin, Mo., claimant, having admitted the allegations of the libel and having taken the product down under bond, judgment of the court was entered ordering that the said claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12273. Adulteration of shell eggs. U. S. v. Joseph E. Burns. Plea of guilty. Fine, $25 and costs. (F. & D. No. 17524. I. S. Nos. 7531–v, 7596–v.)

On October 10, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Joseph E. Burns, Ingalls, Kans., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about August 23 and 30, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated. The article was labeled in part: "From J. E. Burns * * * Ingalls, Kansas."

Examination by the Bureau of Chemistry of this department of 720 eggs from each of the consignments showed the presence of 79 inedible eggs in the consignment of August 23 and 72 inedible eggs in the consignment of August 30, i. e., 10.97 per cent and 10 per cent, respectively, of those examined, which consisted principally of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in part of a filthy, decomposed, and putrid animal substance.

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12274. Adulteration and misbranding of butter. U. S. v. The Cudahy Packing Co., a Corporation. Plea of guilty. Fine, $100. F. & D. No. 17783. I. S. No. 11264–v.)

On November 19, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Cudahy Packing Co., a corporation, trading at San Francisco, Calif., alleging that on or about April 17, 1923, the said company did deliver for shipment from San Francisco, Calif., to the Territory of Hawaii, a quantity of butter which was adulterated and misbranded within the meaning of the food and drugs act, as

amended. The article was labeled in part: (Carton) "One Pound Net Sunlight Creamery Butter. The Cudahy Packing Co. Distributors, U. S. A."

Analysis of the article by the Bureau of Chemistry of this department showed a deficiency in fat and excessive moisture. Examination of 120 packages of the article by said bureau showed the average net weight of the packages examined to be 15.76 ounces.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent of milk fat and which contained excessive moisture had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of creamery butter, and that each of the said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter and that each of said packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of creamery butter but did consist of a product which contained less than 80 per cent of milk fat and which contained excessive moisture, and each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12275. Misbranding of cottonseed meal. U. S. v. 280 Sacks of Cottonseed Meal. Decree entered ordering product released under bond. (F. & D. No. 18271. I. S. No. 2875-v. S. No. E-4690.)

On January 25, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of United States for said district a libel praying the seizure and condemnation of 280 sacks of cottonseed meal, remaining in the original unbroken packages at Palmyra, Pa., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., on or about November 12, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Empire High Grade Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than . . . . 41.12% Equivalent to Ammonia . . . . 8.00%."

Misbranding of the article was alleged in the libel for the reason that the label bore statements regarding the article and the ingredients and substances contained therein, to wit, "High Grade Cotton Seed Meal Guaranteed Analysis Protein, not less than . . . . 41.12% Equivalent to Ammonia . . . . 8.00%," which were false and misleading and deceived and misled the purchaser, in that the said article contained less than 41.12 per cent of protein, the equivalent of 8 per cent of ammonia.

On April 19, 1924, Early & Detweiller, Palmyra, Pa., claimant, having paid the costs of the proceedings and executed a bond in the sum of $725, a decree of the court was entered, ordering that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12276. Adulteration and misbranding of alleged olive oil. U. S. v. The Youngstown Macaroni Co., a Corporation. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 16856. I. S. Nos. 6959-t, 6960-t.)

At the March, 1923, term of the United States District Court within and for the Northern District of Ohio, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against The Youngstown Macaroni Co., a corporation, Youngstown, Ohio, alleging shipment by said company, in violation of the food and drugs act, as amended, on or about May 10, 1921, from the State of Ohio into the State of Pennsylvania, of quantities of alleged olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "Tripoli Italiana Brand Oil * * * 3 Quarts, 1 Pint And 6 Fl. Oz.

Net" (or "1 Quart, 1 Pint And 11 Fl. Oz. Net") " * * * Guaranteed By The Youngstown Macaroni Co., Youngstown, O. Under The Pure Food And Drugs Act. June 30, 1906 Serial No. 5179."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of cottonseed oil, with little or no olive oil present. Examination of samples of the article by said bureau showed that in 22 cans of the larger size there was an average shortage of 4.95 per cent and in 24 cans of the smaller size an average shortage of 3.36 per cent.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements borne on the respective-sized cans containing the article, to wit, "Tripoli Italiana Brand Oil," "Guaranteed By The Youngstown Macaroni Co., Youngstown, O. Under The Pure Food And Drugs Act. June 30, 1906 Serial No. 5179," and "3 Quarts, 1 Pint And 6 Fl. Oz. Net," or "1 Quart, 1 Pint And 11 Fl. Oz. Net," together with the designs and devices of an Italian flag, shield, and crowns, not corrected by the statement in inconspicuous type "Winterpressed Cottonseed * * * Flavored With Pure Olive Oil," regarding the article and the substances and ingredients contained therein, were false and misleading in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, that each of the said cans contained 3 quarts, 1 pint, and 6 fluid ounces net, or 1 quart, 1 pint, and 11 fluid ounces net, as the case might be, of the said article, and that it conformed with the food and drugs act of June 30, 1906, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, that each of said cans contained 3 quarts, 1 pint, and 6 fluid ounces net, or 1 quart, 1 pint, and 11 fluid ounces, net, as the case might be, of the said article, and that it conformed with the food and drugs act of June 30, 1906, when, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product, to wit, an olive oil produced in Italy but was a domestic product, to wit, an article produced in the United States of America, each of the said cans did not contain the amount declared on the label but did contain a less amount, and the said article did not conform to the food and drugs act of June 30, 1906. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 17, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12277. Adulteration of canned salmon. U. S. v. 564 Cases of Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 18236. I. S. Nos. 20684–v, 20685–v. S. No. W–1469.)

On January 8, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 564 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Beauclaire Packing Co., from Beauclaire [Beauclerc], Alaska, in part October 12 and in part October 16, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 11, 1924, the Beauclaire Packing Co., Beauclaire [Beauclerc], Alaska, claimant, having paid the costs of the proceedings and executed a

bond in the sum of $500, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12278. Adulteration of scallops. U. S. v. Duffy Wade. Plea of guilty. Judgment that defendant pay costs. (F. & D. No. 14997. I. S. No. 6634–t.)

On November 24, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Duffy Wade, trading at Morehead City, N. C., alleging shipment by said defendant in violation of the food and drugs act on or about March 17, 1921, from the State of North Carolina into the State of New York of a quantity of scallops which were adulterated.

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 27, 1922, the defendant entered a plea of guilty to the information, and upon the finding by the court that the defendant did not knowingly adulterate the product and that the product was purchased by the defendant in an adulterated condition, judgment was entered by the court that the defendant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12279. Adulteration and misbranding of color. U. S. v. 1 Can Containing 8 Pounds of Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18419. I. S. No. 15379–v. S. No. E–4751.)

On February 27, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 1 can containing 8 pounds of color, remaining in the original unbroken package at Dedham, Mass., alleging that the article had been shipped by L. Feldman & Co., New York, N. Y., on or about December 21, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Three Star Brand Color Special Egg Shade * * * L. Feldman & Co., 46 Fulton St., New York."

Adulteration of the article was alleged in the libel for the reason that a substance, salt, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the label affixed to the can containing the article, namely, "All The Colors Herein Contained Have Been Separately Certified To The U. S. Dept. Of Agriculture Under Lot Nos. 4755–4707 Certified Pure Food Colors Three Star Brand Color Special Egg Shade," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12280. Adulteration and misbranding of color. U. S. v. 2 Cans of Cream Yellow Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17428. I. S. No. 118–v. S. No. E–4328.)

On March 28, 1923, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the

seizure and condemnation of 2 cans, 5 pounds each, of cream yellow color, at Albany, N. Y., alleging that the article had been shipped by the Favorite Manufacturing Co., Philadelphia, Pa., on or about November 28, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "#4345 Certified Cream Yellow Color Prepared by Favorite Manufacturing Co. * * * Philadelphia, Pa. * * * 5 lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, salt, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements appearing in the labeling, "#4345 Certified Cream Yellow Color Prepared by Favorite Manufacturing Co." were false and misleading, and for the further reason that the article was wrongfully and unlawfully misbranded for the purpose of deceiving and misleading purchasers and of making them believe that the said product was another and better product. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 25, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12281. Adulteration of tomato stock. U. S. v. 404 Cases of Tomato Stock. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18198. I. S. No. 199–v. S. No. E–4646.)

On December 24, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 404 cases of tomato stock, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., on or about October 19, 1923, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Jubilee Brand Tomato Stock * * * Packed by Greenabaum Bros.; Inc., Seaford, Sussex County, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On April 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12282. Misbranding of Foley kidney pills. U. S. v. 21 Dozen Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18055. I. S. No. 19313–v. S. No. C–4183.)

On or about November 15, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 21 dozen small-size bottles of Foley Kidney Pills, at Memphis, Tenn., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., in part on or about March 21, 1923, and in part on or about August 28, 1923, and transported from the State of Illinois into the State of Tennessee, and charging misbranding in violation of the food and drugs act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

It was alleged in substance in the libel that the article was labeled as follows, (bottle and carton) "Kidney Pills For Irritation of Kidneys and Bladder, and for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidneys * * * weakened * * * disease * * * inflamed and congested * * * In addition to Taking Foley Kidney Pills, we offer a few simple,

but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * 2nd—The bowels must be kept active. * * * 3d—The diet is of great importance. * * * Satisfaction Guaranteed, " and was misbranded in violation of the said act, in that the statements on the cartons and circulars accompanying the said article, regarding the curative and therapeutic effects of the article, were false and fraudulent and calculated to mislead and deceive the purchasers thereof, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12283. Adulteration of walnuts in shell. U. S. v. 184 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18213. I. S. No. 15913–v. S. No. E–4674.)

On December 24, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 184 bags of walunts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Patras, Greece, having been entered on January 9, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12284. Adulteration of walnut pieces. U. S. v. 119 Cases of Shelled Walnut Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18120. I. S. No. 15794–v. S. No. E–4620.)

On November 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 119 cases of shelled walnut pieces, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Marseille, France, and received on February 5, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12285. Adulteration and misbranding of sirup. U. S. v. 8 Cans, et al., of Sirup. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 18295, 18300. I. S. Nos. 10805–v, 12124–v, 10807–v. S. Nos. C–3016, C–3017.)

On February 8 and 16, 1924, respectively, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 8 cans and 2 crates, each containing 3 cans, of sirup, in part at Crawford, Nebr., and in part at Chadron, Nebr., alleging that the article had been shipped by the Early Coffee Co. from Denver, Colo., in two consignments, namely, on or about January 14 and 17, 1924, respectively, and transported from the State of Colorado into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act, as amended. A portion of the article was labeled in part: (Crate) "From Early Coffee Co. Denver, Colo." The article in each shipment was invoiced as sirup.

Adulteration of the article was alleged in the libels for the reason that glucose had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that it was an imitation of or offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 14, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12286. Misbranding of Porose pills, Lozon pills, Lafayette headache powders, and Lafayette pain anodyne. U. S. v. 27 Packages et al., of Porose Pills, Lozon Pills, Lafayette Headache Powders, and Lafayette Pain Anodyne. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18183, 18184, 18191, 18192, 18204, 18205, 18206, 18207. S. Nos. E–4650, E–4655, E–4656, E–4657, E–4659, E–4661, E–4663, E–4668.)

On December 21 and 27, 1923, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 61 packages of Porose pills, 35 packages of Lozon pills, 78 packages of Lafayette headache powders, and 17 packages of Lafayette pain anodyne, remaining in the original unbroken packages in various lots at Worcester, Boston, and Turner Falls, Mass., respectively, alleging that the articles had been shipped by the Lafayette Co. from Berlin, N. H., between the dates of August 22, 1922, and December 3, 1923, and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Porose pills consisted essentially of extracts of plant drugs, including cascara sagrada, nux vomica, and oily matter, iron carbonate, and small amounts of sodium, arsenic, and sulphate, coated with sugar and calcium carbonate and colored red; that the Lozon pills consisted essentially of extracts of plant drugs, including cascara sagrada and nux vomica, iron carbonate, and a little arsenic, coated with sugar, calcium carbonate, and iron oxide; that the Lafayette headache powders consisted essentially of acetanilide, caffeine, sodium bicarbonate, and aromatics, including cinnamon and ginger; and that the Lafayette pain anodyne consisted essentially of spearmint and cassia oils, camphor, capsicum extract, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labeling bore statements regarding the curative and therapeutic effects of the said articles, to wit, (Porose pills) (carton, English and French) "For Girls And Women Of All Ages * * * For Weak Women Of All Ages," (box and wrapper, English and French): "A special French remedy for ladies and young girls * * * quiets nervous and sleepless persons * * * for the critical age of both mothers and daughters and all women's complaints in general." (circular, English and French) "for ladies * * * Women * * * weakened by various diseases, * * * are returned to perfect health by the use of Porose Pills. * * * for women's diseases. * * * effective in diseases caused by anemia, such as general weakness of the body * * * delayed or painful periods (menses,) womb troubles, leucorrhea (whites,) backache, pain in the sides, palpitation of the heart, general debility * * *, irritation and nervousness. In general, suffering of women complaints of any kind, caused by the change of life and the critical age of young women, or any complaints that give a sickly appearance ought to use Porose Pills, which will render them their health and good looks * * * their curative power * * * permanent cure * * * curative effect * * * For pale or weak young ladies suffering of * * * any * * * complaint particular to women, Porose Pills are an invaluable remedy, which will return to them the color and complexion indicating perfect health * * * Most women complaints are caused by delayed or even suppressed * * * (menses,) * * * irregular uterine functions * * * the best of regulating tonics for all women complaints * * * Puberty Or Change Of Age * * * At the critical stage in life of any young woman

Porose Pills will furnish the necessary vitality to conquer the weakness torpor (numbness) that characterizes that age * * * Irregular Periods (Menses) * * * Pregnancy And Maternity * * * will strengthen and facilitate greatly the confinement * * * Leucorrhea (Whites) * * * unequalled for the treatment of this complaint * * * Womb Troubles * * * Indigestion And Sour Stomach * * * Dyspepsia * * * Kidney trouble is invariably relieved;" (Lozon Pills) (box) "Restores Vitality to weak men, whether lost by impure blood, excesses of any kind, old age or sickness; * * * especially recommended as a * * * blood purifier, for overworked or run down system. They will * * * assist digestion, stimulate the kidneys and tone up weak men, thereby giving strength and new life," (box wrapper) "For Men's Health * * * a * * * blood purifier, * * * for the overworked or run down system, * * * will * * * assist digestion and tone up weak men" (similar statements in French on both box label and box wrapper); (Lafayette headache powders) (English) "Headache * * * Reliable Reliever * * * Relieve Nervous & Billious Headache, Neuralgia, Sleeplessness, Colds With Fever, La Grippe, Mental Exhaustion and Sour Stomach," (on a portion of the said boxes, in English) "Headaches Promptly Relieved," (a portion of the boxes containing the said headache powders were further labeled, in French) "allay all pains in the head; all kinds of neuralgia, heaviness of the head, nonchalance, apathy resulting from intellectual overwork, from loss of sleep or from a bad digestion. * * * effectively alleviate grippe accompanied or not with fever;" (Lafayette pain anodyne) (bottle, English) "Pain Anodyne * * * Kills Your Pain Internally and Externally. For the relief of Rheumatism, Sore Throat, Coughs, Colds, Chills, * * * Diarrhoea, Colic, Cholera Morbus, Painful Menstruation, Stiff Joints, * * * Neuralgia, * * * Burns, Backache * * * Will relieve pain of any kind. * * * to be repeated every hour until relieved," (French) "For Rheumatism, Coughs, Chills * * * Cholera, Colics, painful Menstruation, * * * Cold in the Head * * * Sore Throat * * * Burns * * * Stiff Joints, Neuralgia," which were false and fraudulent, in that they represented falsely and fraudulently to purchasers thereof that the said articles contained ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed when, in truth and in fact, they did not.

On April 3, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12287. Adulteration and misbranding of macaroni. U. S. v. 8 Boxes of Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18285. I. S. No. 12122-v. S. No. W-1472.)

On February 2, 1924, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 8 boxes, 20 pounds each [4 weighing 30 pounds each and 4 weighing 5 pounds each], of macaroni, remaining unsold in the original packages at Capulin, N. M., alleging that the article had been shipped by the Queen City Macaroni Manufacturing Co., from Denver, Colo., January 12, 1924, and transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping package, larger size) "Golden West Brand * * * Manufactured and Guaranteed By Queen City Macaroni Mfg. Co. * * * Denver, Colo." (rubber stamp) "Artificially colored." (stencil) "Macaroni" and "Extra Fine Semolina Net Weight 20 Lbs." (Shipping package, smaller size) "Golden West Brand Macaroni Manufactured and Guaranteed By Queen City Macaroni Manufacturing Co. * * * Denver, Colo." (rubber stamp) "5 Lbs. Net."

Adulteration of the article was alleged in substance in the libel for the reason that it contained excessive moisture, which had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Macaroni" was false and misleading and deceived and misled the purchaser.

On April 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12288. Adulteration of walnut meats. U. S. v. 25 Boxes of Walnut Meats. Decree of condemnation. Product released under bond to be reconditioned. (F. & D. Nos. 18242, 18243. I. S. Nos. 20760–v, 20761–v, 20762–v. S. No. W–1456.)

On December 27, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 25 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Davis Nut Shelling Co., Los Angeles, Calif., December 6, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 16, 1924, the Imperial Candy Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and confessed judgment, a decree of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision of and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12289. Adulteration and misbranding of canned salmon. U. S. v. 521 Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17753, 17761, 18016. I. S. Nos. 11485–v, 11490–v, 20687–v. S. Nos. W–1411, W–1414, W–1438.)

On August 31, September 5, and November 15, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 1,274 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the F. C. Barnes Co., from Lake Bay, Alaska, in part August 14 and in part September 29, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder thereof, in violation of the food and drugs act. One lot of the product consigned August 14 was labeled in part: (Case) "Dollar Brand Fancy Salmon Packed in Alaska for F. C. Barnes Co., Portland, Ore. * * *." The remaining lot, consigned August 14, was labeled in part: (Can) "Red Seal Brand * * * Salmon." The lot consigned September 29 was labeled in part: (Case) "Defender Brand Red Cohoe Salmon, fine quality packed by F. C. Barnes Co., Portland, Oregon, at Lakebay, Alaska;" (can) "Defender * * * Brand Red Cohoe * * * Salmon."

Adulteration was alleged with respect to the product involved in all the consignments for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged with respect to the product consigned September 29 for the reason that the word, "Red," appearing on the label was false and misleading and deceived and misled the purchaser, since the article was NOT red salmon. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 13, 1924, the F. C. Barnes Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $3,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12290. Adulteration and misbranding of oats. U. S. v. 222 Sacks of Oats. Decree of condemnation and forfeiture. Product ordered sold, with proviso that it might be released under bond to be relabeled. (F. & D. No. 18600. I. S. No. 18034–v. S. No. C–4339.)

On April 19, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure

and condemnation of 222 sacks of oats, remaining in the original unbroken packages at Johnson City, Tenn., alleging that the article had been shipped by Callahan & Sons, Louisville, Ky., April 12, 1924, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Callahan's Electric White Oats Farmers Exchange, Johnson City, Tenn."

Adulteration of the article was alleged in substance in the libel for the reason that rye and other grains had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, namely, oats, whereas, in truth and in fact, it was not oats but was an admixture of oats, rye, and other grains.

On May 13, 1924, Callahan & Sons, Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, said order containing the proviso that the product might be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,200, in conformity with section 10 of the act, conditioned in part that it be relabeled "Oats and Other Grains."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12291. Misbranding of butter. U. S. v. 147 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17721. I. S. No. 6928–v. S. No. C–4096.)

On August 15, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 147 pounds of butter, remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped by the Sunshine Creamery, from Gage, Okla., on or about August 1, 1923, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Print) "Sunshine Butter Sunshine Creamery Gage, Oklahoma * * * One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement, "One Pound Net Weight," appearing on the prints, was false and misleading and deceived and misled purchasers, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12292. Misbranding of butter. U. S. v. 90 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17719. I. S. No. 6924–v. S. No. C–4094.)

On August 15, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 90 pounds of butter remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped by the Woodward Creamery Co. [Woodward Dairy Products Co.], Woodward, Okla., on or about August 1, 1923, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print) "Sweet Clover Creamery Butter Made By Woodward Dairy Products Co., Woodward, Okla. * * * One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the said prints, "One Pound Net," was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12293. Adulteration and misbranding of cheese. U. S. v. 161 Pounds, et al., of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18602, 18603, 18604. I. S. Nos. 6792–v, 6793–v, 6794–v. S. Nos. C–4331, C–4336, C–4337.)

On April 19, 1924, the United States attorney for the eastern district of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 318 pounds of cheese remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., from Chicago, Ill., in various consignments, namely, on or about April 4, 7, and 9, 1924, respectively, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Daisy Brand Farmer Cheese Chicago Cheese and Farm Products Co." The remainder of the article was labeled in part: "Chicago Cheese and Farm Products Co. * * * 644 W. Randolph St., Chicago, Illinois."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, namely, "Cheese," was false and misleading and deceived and misled the purchaser in that the product contained foreign fat, and for the further reason that it was food in package form and the quality of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12294. Adulteration and misbranding of oats. U. S. v. 107 Sacks and 100 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18648. I. S. Nos. 18065–v, 18068–v. S. No. E–3922.)

On May 7, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 207 sacks of oats, remaining in the orginal unbroken packages at Gainesville, Ga., alleging that the article had been shipped by Embry E. Anderson, from Memphis, Tenn., in two consignments, namely, on or about April 23, and April 24, 1924, respectively, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Andersons Fancy Recleaned White Oats Bleached Memphis Tenn." The remainder of the said article was labeled in part: "Daisy Mixed Oats. Other grains recleaned and bleached. Embrey E. Anderson, Memphis, Tenn.," the words "Daisy Mixed Oats" appearing in very large letters and the words "Other Grains," appearing in comparatively small inconspicuous type.

Adulteration of the "Andersons Fancy" oats was alleged in the libel for the reason that substances, added moisture and salt, had been mixed and packed therewith so to reduce, lower, and injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration of the "Daisy Mixed" oats was alleged for the reason that excessive water had been mixed and packed with the said article in connection with oat screenings and salt, so as to reduce, lower, and injuriously affect its quality.

Misbranding of the "Daisy Mixed" oats was alleged in substance for the reason that the designation "Daisy Mixed Oats Recleaned" was false and misleading and deceived and misled the purchaser, the statement "other grains" in inconspicuous type not correcting the misleading impression. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article.

On May 24, 1924, Embry E. Anderson, Memphis, Tenn., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the article be relabeled to show its true nature.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12295. Adulteration of canned salmon. U. S. v. 2,262 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17823. I. S. No. 11495-v. S. No. W-1417.)

On September 12, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 2,262 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pure Food Fish Co., Ketchikan, Alaska, August 20, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pure Food Brand Pink Salmon * * * Packed By Pure Food Fish Co. * * * Ketchikan Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 14, 1924, the Pure Food Fish Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12296. Misbranding of flour. U. S. v. 310 Sacks of Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18704. I. S. No. 16796-v. S. No. E-4842.)

On May 21, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 310 sacks of flour remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the C. A. Gambrill Mfg. Co. (Inc.), from Ellicott City, Md., on or about March 7, 1924, and transported from the State of Maryland into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Sack) "Bleached Manufactured For Standard Grocery Company * * * Capitol * * * Flour Boston, Mass. Packed 5 Lbs." The remainder of the said article was labeled the same except that the weight was not stated.

Misbranding of the article was alleged in the libel for the reason that the statement "Manufactured For Standard Grocery Company * * * 5 Lbs." was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 19, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12297. Adulteration and misbranding of concentrated lemon sirup. U. S. v. Samuel Blackman (S. Blackman & Co.). Plea of guilty. Fine, $50. (F. & D. No. 16854. I. S. No. 8109-t.)

At the December, 1923, term of the United States District Court within and for the Eastern District of Pennsylvania, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Samuel Blackman, trading as S. Blackman & Co., of Philadelphia, Pa., alleging shipment by said defendant, in viola-

tion of the food and drugs act, on or about December 10, 1921, from the State of Pennsylvania into the State of Delaware, of a quantity of concentrated lemon sirup which was adulterated and misbranded. The article was labeled in part: "El Jean Brand Concentrated Fountain Syrup * * * Concentrated Juice * * * Distributed by S. Blackman & Co. * * * Philadelphia, Pa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a sugar sirup flavored with phosphoric acid and essential oil, and contained little or no fruit juice or lemon juice.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, sugar sirup flavored with phosphoric acid and essential oil, which contained little or no fruit juice, had been substituted in whole or in part for lemon concentrated fountain sirup; that is to say, a sirup which contained a substantial amount of fruit juice, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Lemon Concentrated Fountain Syrup" and "Concentrated Juice," together with the design and device of a pineapple, oranges, lemons, and strawberries, borne on the labels attached to the jug containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was lemon concentrated fountain sirup, and that it was concentrated fruit juice; that is to say, a sirup which contained an appreciable amount of fruit juice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was lemon concentrated fountain sirup, and that it was concentrated fruit juice; that is to say, a sirup which contained an appreciable amount of fruit juice, whereas, in truth and in fact, it was not lemon concentrated fountain sirup and was not concentrated fruit juice but was a mixture, to wit, a sugar sirup flavored with phosphoric acid and essential oil and containing little or no fruit juice.

On June 11, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12298. Misbranding of cottonseed cake. U. S. v. Southland Cotton Oil Co., a Corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 17915. I. S. No. 10445–v.)

On May 24, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Southland Cotton Oil Co., a corporation trading at Oklahoma City, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about January 10, 1923, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Climax Brand Screened Cracked Cotton Seed Cake 100 Pounds Net Analysis Protein_____ 43% * * * Southland Cotton Oil Company Head Office Paris,–Texas."

Analyses of two samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 38.82 per cent and 40.38 per cent, respectively, of crude protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Analysis Protein_____ 43%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein.

On June 14, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12299. Adulteration of shell eggs. U. S. v. Al Hatten. Plea of guilty. Fine, $50 and costs. (F. & D. No. 18310. I. S. No. 5347–v.)

On April 9, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Al Hatten, Shattuck, Okla., alleging shipment by said defendant in violation

of the food and drugs act, on or about July 19, 1923, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Hatten Produce Co. * * * Shattuck – Okla."

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 53, or 9.8 per cent of those examined, were inedible eggs, consisting of mixed or white rots and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On June 12, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12300. Adulteration of walnut meats. U. S. v. 4 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17258. I. S. No. 8165–v. S. No. W–1309.)

On February 10, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of four cases of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by Fred L. Mitchell & Son, Santa Ana, Calif., alleging that the article had been shipped on or about October 30, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fred L. Mitchell & Son Walnut Meats Santa Ana California."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On June 6, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12301–12350

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 20, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12301. Adulteration of frozen eggs. U. S. v. 211 Cans and 1,173 Cans of Frozen Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18541, 18628. I. S. Nos. 18001–v, 18002–v, 18003–v, 18004–v. S. Nos. C–4327, C–4344.)

On April 10 and 18, 1924, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,384 cans of frozen eggs remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Central Poultry and Packing Co., from Kansas City, Mo., in various consignments, September 1, 7, 10, and 14, 1923, respectively, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 16, 1924, the cases having been consolidated into one action and Theodore Aaron (Inc.), claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the bad portion denatured and used for technical purposes.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12302. Adulteration of prunes. U. S. v. 57 Sacks of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18153. I. S. No. 15798–v. S. No. E–5628.)

On December 11, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 57 sacks of prunes remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Constanza, Roumania, into the State of New York, and charging adulteration in violation of the food and drugs act.

Aduleration of the article was alleged in the libel for the reason that the article consisted wholly or in part of a filthy, decomposed vegetable substance.

On May 2, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12303. Adulteration of shell eggs. U. S. v. George E. Doyle, sr., George E. Doyle, jr., and James W. Doyle (Doyle & Sons). Pleas of guilty. Fine, $100 and costs. (F. & D. No. 17810. I. S. Nos. 5343–v, 5345–v.)

On January 14, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George E. Doyle, sr., George E. Doyle, jr., and James W. Doyle, copartners, trading as Doyle & Sons, Perry, Okla., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 17, 1923, from the State of Oklahoma into the State of Kansas of quantities of shell eggs which were adulterated. The article was labeled in part: "From Doyle & Sons Wholesale Farm Produce Perry Okla."

Examination by the Bureau of Chemistry of this department of 540 eggs from one consignment showed that 193, or 35.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings. Examination by said bureau of 360 eggs from the remaining consignment showed that 138, or 38 per cent of those examined, were inedible eggs consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On April 21, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of $100, together with the costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12304. Adulteration and misbranding of butter. U. S. v. Harry Petersen (Petersen Creamery). Plea of guilty. Fine, $100. (F. & D. No. 17816. I. S. Nos. 8462–v, 8490–v.)

At the November, 1923, term of the United States District Court within and for the District of Utah, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid, an information against Harry Petersen, trading as the Petersen Creamery, Salt Lake City, Utah, alleging shipment by said defendant in violation of the food and drugs act, in two consignments, namely, on or about January 18 and 22, 1923, respectively, from the State of Utah into the State of Nevada, of quantities of butter, a portion of which was adulterated and the remainder of which was misbranded. A portion of the article was labeled in part: "Fancy Golden Arrow Brand Butter Petersen Creamery Salt Lake City, Utah * * * One Pound Net Weight." The remainder of the said article was labeled in part: "Alfalfa Creamery Butter Net Wt. 1 Pound * * * Petersen Creamery Salt Lake City, Utah."

Examination by the Bureau of Chemistry of this department of a sample taken from the consignment of Golden Arrow Brand butter showed that the average net weight of 30 packages examined was 15.66 ounces. Examination by the Bureau of Chemistry of the said department of the Alfalfa Creamery butter showed that the average net weight of the 27 packages examined was 15.76 ounces. Analyses of five samples of the Alfalfa Creamery butter showed an average of 16.85 per cent of moisture and of 77.83 per cent of fat.

Misbranding of the Golden Arrow Brand butter was alleged in the information for the reason that the statement, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that it represented that each of the said packages contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight but did contain a less amount.

Adulteration of the Alfalfa Creamery butter was alleged for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for creamery butter, which the article purported to be.

On January 3, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12305. Misbranding of butter. U. S. v. East Bay Creamery Co., a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17699. I. S. Nos. 8665–v, 11268–v.)

On November 13, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the East Bay Creamery Co., a corporation of Oakland, Calif., alleging that on or about May 1 and 28, 1923, respectively, the said company did deliver for shipment from the State of California to the Territory of Hawaii quantities of butter which was misbranded in violation of the food and drugs act. The article was labeled in part: "East Bay Creamery Oakland * * * 1 Lb. Net Wt. In Quarters. East Bay Brand Finest Quality Pasteurized Butter."

Examination by the Bureau of Chemistry of this department of 300 packages from one lot and 240 packages from the remaining lot showed that the average net weight of the said packages was 15.73 ounces and 15.80 ounces respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Wt.," borne on the packages containing the article, regarding the said article, was false and misleading, in that it represented that each of said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the said article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12306. Misbranding of butter. U. S. v. Monotti-Larimer, a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17613. I. S. Nos. 8699–v, 11259–v, 11806–v.)

On November 26, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Monotti-Larimer, a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about March 13, March 20, and April 3, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. The article was labeled in part: "Gold Medal Brand Pasteurized Butter * * * Net Contents 1 Lb. * * * Monotti, Larimer & Sollie, Distributors San Francisco."

Examination by the Bureau of Chemistry of this department of a sample taken from each of the three consignments showed that the average net weight of 180, 300, and 300 packages from the different consignments was 15.72, 15.77, and 15.78 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, "Net Contents 1 Lb.," borne on the packages containing the article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the said article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12307. Adulteration of raisins. U. S. v. 21 Bundles of Raisins. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18079. I. S. No. 15793–v. S. No. E–4595.)

On November 22, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district a libel praying the seizure and condemnation of 21 bundles of raisins, imported on or about November 21, 1922, remaining in the original, unbroken packages at New York, N. Y., alleging that the article had been shipped from Valparaiso, Chile, into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that the article consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 2, 1924, J. S. Malouf & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act, conditioned that the good portion be separated from the bad portion under the supervision of this department and the bad portion destroyed or denatured.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12308. Adulteration and misbranding of vanilla. U. S. v. 1 Barrel of Vanilla. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17974. I. S. No. 11547–v. S. No. W–1434.)

On or about November 10, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 barrel of vanilla, remaining in the original unbroken package at Denver, Colo., consigned by W. K. Jahn & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about September 25, 1923, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the food and drug act as amended. The article was labeled in part: "Rico Guaranteed 10 Gal. Baker's Special "A" Vanilla Compound Flavor The W. K. Jahn Company New York Montreal San Francisco Chicago Rico Flavor."

Adulteration of the article was alleged in the libel for the reason that a substance composed of a hydroalcoholic solution of vanillin and coumarin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement "Vanilla Compound Flavor" on the label of the said barrel was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 2, 1924, the W. K. Jahn Co., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $125, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12309. Adulteration and misbranding of vanilla flavoring. U. S. v. Arthur L. Leech and S. Elfred Leech (The Arthur L. Leech Co.). Plea of nolo contendere. Fine, $10. (F. & D. No. 17921. I. S. No. 1737–v.)

On January 25, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur L. Leech and S. Elfred Leech, copartners, trading as the Arthur L. Leech Co., Kennebunk, Me., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 1, 1923, from the State of Maine into the State of Massachusetts, of a quantity of vanilla flavoring which was adulterated and

misbranded. The article was labeled in part: (Bottle) "Leech's * * * Golden Glow Flavoring * * * Manufactured and Guaranteed by The Arthur L. Leech Co. * * * Kennebunk, Maine," (placard) "Leech's "Golden Glow" Vanilla Flavoring."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an artificially colored mixture composed in part of vanillin and coumarin and containing no vanilla flavor.

Adulteration of the article was alleged in the information for the reason that a mixture composed in part of vanillin and coumarin, artificially colored, and containing no flavor of vanilla had been substituted for vanilla flavoring, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Vanilla Flavoring," borne on the said placard, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of vanilla flavoring, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of vanilla flavoring, whereas, in truth and in fact, it did not so consist but did consist in part of a mixture artificially colored, composed in part of vanillin and coumarin and containing no vanilla flavoring.

On April 8, 1924, the defendants entered pleas of nolo contendere to the information, and the court imposed fines in the aggregate sum of $10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12310. Adulteration of canned blueberries. U. S. v. 20 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18540. I. S. No. 15387–v. S. No. E–4743.)

On April 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of blueberries remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by the A. & R. Loggie Co., Ltd., from Columbia Falls, Me., on or about September 15, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand * * * Blueberries * * * Packed—At Columbia Falls, Maine. By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 22, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiteure was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12311. Adulteration and misbranding of spaghetti and macaroni. U. S. v. 10 Boxes of Spaghetti and 10 Boxes of Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. Nos. 18281, 18283. I. S. Nos. 12104–v, 12106–v. S. No. W–1470.)

On February 2, 1924, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 boxes of spaghetti and 10 boxes of macaroni remaining in the original unbroken packages at Raton, N. M., alleging that the articles had been shipped by the Queen City Macaroni Mfg. Co. from Denver, Colo., on or about January 5, 1924, and transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act as amended. The spaghetti was labeled in part: "Golden West Brand Spaghetti Manufactured And Guaranteed By Queen City Macaroni Manufacturing Co. * * *" (Rubber Stamp) "5 Lbs Net." The macaroni was labeled in part: "Golden West Brand Macaroni * * * Queen City Macaroni Manufacturing Co."

Adulteration of the articles was alleged in substance in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements, "Spaghetti" and "Macaroni," appearing in the labelings of the respective products, were

false and misleading and were intended to deceive and mislead the purchaser. Misbranding was alleged with respect to the said spaghetti for the further reason that the quantity of the contents was not plainly and specifically marked on the outside of the package.

On April 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12312. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product reprocessed and released upon payment of costs. (F. & D. No. 18509. I. S. No. 17697–v. S. No. C–4318.)

On or about March 24, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Heron Lake Creamery Co. from Heron Lake, Minn., March 12, 1924, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On May 7, 1924, J. H. Hoar and Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and the product having been theretofore reprocessed, so as to remove the excess water and to raise the percentage of butterfat so that it was not in violation of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12313. Misbranding of butter. U. S. v. 14 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18380. I. S. No. 7292–v. S. No. C–4284.)

On or about February 12, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of butter at Birmingham, Ala., alleging that the article had been shipped by the Macon Creamery Co., from Macon, Miss., on or about February 7, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "White Pearl Brand Creamery * * * Butter Made In Noxubee Co. By Macon Creamery Co. Macon, Miss. * * * One Pound Net Weight When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the cartons containing the said article, "One Pound Net Weight," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 21, 1924, the Macon Creamery Co., Macon, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the article be not resold until it had been passed upon by a representative of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12314. Adulteration and misbranding of tankage. U. S. v. 300 Sacks of Hyklass Digester Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18447. I. S. No. 17710–v. S. No. C–4308.)

On or about March 14, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of Hyklass Digester tankage remaining in the original unbroken packages at Muscatine, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about January 25, 1924, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% Fat 7% Crude Fibre 8% Made By Rogers By-Products Co. Aurora, Ills."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, hoof meal, had been mixed and packed with and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a poisonous or deleterious ingredient, to wit, broken glass, which might have rendered it harmful to health, had been added to the article.

Misbranding was alleged for the reason that the designation "Digester Tankage," and the statements, "Guaranteed Analysis Protein 60%," "Fat 7%," appearing in the labeling, were false and misleading and deceived and misled the purchaser, since the said product was a mixture of tankage and hoof meal and broken glass and contained less than 60 per cent of protein and less than 7 per cent of fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12315. Misbranding of strawberries. U. S. v. Fain Rogers Patterson. Plea of guilty. Fine, $10 and costs. (F. & D. No. 15985. I. S. No. 13377–t.)

On March 2, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fain Rogers Patterson, Sharon, Tenn., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about May 7, 1921, from the State of Tennessee into the State of New Hampshire, of a quantity of strawberries which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 23, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12316. Adulteration and misbranding of chocolate confectionery. U. S. v. 21 Boxes and 20 Boxes of Chocolate Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18506. I. S. Nos. 15424–v, 15425–v. S. No. E–4785.)

On March 22, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 41 boxes of chocolate confectionery remaining in the original unbroken packages at Roslindale, Mass., alleging that the article had been shipped by the Lauer & Suter Co. from Baltimore, Md., on or about February 12, 1924, and transported from the State of Maryland into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Lasco Sweets Pure Candies * * * Choc. Cream * * * The Lauer & Suter Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "Pure Candies * * * Choc. Cream," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12317. Adulteration and misbranding of chocolate coating. U. S. v. 14 Cases of Ice Pole Chocolate Coating. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18618. I. S. No. 15338–v. S. No. E–4819.)

On April 24, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases, 100 pounds each, of Ice Pole chocolate coating remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by F. Bischoff, Inc., from Ballston Spa, N. Y., on or about November 8, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "F. Bischoff, Inc. Manufacturers Of Pure High Grade Cocoa & Chocolate Ballston Spa, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Manufacturers Of Pure High Grade Cocoa & Chocolate * * * Ice Pole Coating," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1924, F. Bischoff, Inc., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12318. Adulteration of frozen eggs. U. S. v. 16 Cases of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18166. I. S. No. 15799–v. S. No. E–4644.)

On December 14, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases, each containing 2 30-pound tins of frozen eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Bell-Jones Co. from Davenport, Iowa, November 16, 1923, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that the article consisted in part of a filthy, decomposed, and putrid animal substance.

On April 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12319. Adulteration of coloring matter. U. S. v. 1 Can of Colorine (Coloring) Matter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13071. I. S. No. 9359–r. S. No. C–2053.)

On July 27, 1920, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of colorine (coloring) matter, at Seward, Nebr., alleging that the article had been shipped by the W. B. Wood Mfg. Co. from St. Louis, Mo., on

or about June 28, 1920, and transported from the State of Missouri into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "1b. 1 net W. B. Wood Mfg. Co. * * * St. Louis, Mo Purple."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On April 17, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12320. Adulteration of coal tar color. U. S. v. 1 Pound Can of Coal Tan (Tar) Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14707. I. S. No. 12109–t. S. No. C–2958.)

On April 9, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 pound can of coal tan (tar) color, at Falls City, Nebr., consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about February 28, 1921, and transported from the State of Missouri into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "1b 1 net W. B. Wood Mfg Company * * * St. Louis Mo * * * Red."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphates had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained nonpermitted dye and excess arsenic, sulphates, and salt product and an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On April 17, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12321. Misbranding of Doan's kidney pills. U. S. v. 227 Dozen Packages of Doan's Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18038. I. S. No. 19925–v. S. No. C–4201.)

On Nov. 21, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 227 dozen packages of Doan's Kidney Pills, at St. Paul, Minn., alleging that the article had been shipped by Foster Milburn Co. from Buffalo, N. Y., on or about October 29, 1923, and transported from the State of New York into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium nitrate, ground uva ursi leaves, a trace of a volatile oil such as turpentine or juniper oil, a resin, starch, sugar, and talc, coated with starch, sugar, and talc.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the article's therapeutic effects, (box and wrapper label) "Kidney Pills * * * Acting directly on the * * * Urinary system * * *," (circular, in English) "Kidney Pills * * * There are certain trades in which, * * * Those following such trades are * * * subject to kidney troubles. In such cases, if these pills are indicated, * * * increase the dose * * * when relief is noticed the dose may be reduced * * * A good medicine," (circular, in Magyar, Swedish, and German) "If you work hard or if you perform indoor work or any kind of work which strains the kidneys increase the dose," (circular, in Bohemian) "If you work hard or in closed quarters or if you perform work which affects the kidneys increase the use of the pills," (circular, in Italian and Dano-Norwegian) "If you do hard work, indoor work, or any kind of work which fatigues the kidneys

increase the dose," (circular, in Yiddish) "If you work hard and suffer with kidney troubles take three pills each time until you feel better," (circular, in Polish) "If you work hard or indoors or any work which injures the kidneys take one more, that is three pills," were false and fradulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshall.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12322. Misbranding of feed. U. S. v. 188 Sacks Hy-Peak Sweet Feed. Product destroyed. Default decree entered, approving destruction. (F. & D. No. 662–C. I. S. Nos. 12795–t, 12796–t. S. No. C–3819.)

On or about July 10, 1922, the United States attorney for the Northern District of Texas, acting upon a report by an officer of the Feed Control Service of the State of Texas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 188 sacks of Hy-Peak Sweet Feed, at Dallas, Texas, alleging that the article had been shipped by the Best-Clymer Mfg. Co. from South Fort Smith, Ark., on or about June 10, 1922, and transported from the State of Arkansas into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Lbs. Clymer Hy-Peak Sweet Feed * * * Manufactured by Temtor Corn and Fruit Products Company, General Offices St. Louis Mo. Feed Mixing Plant South Fort Smith, Ark." (tag) "100 Pounds (Net) Hy-peak Sweet Feed Composed of 60% Alfalfa Meal, 15% Ground Sorghum Leaves, 25% Molasses. Manufactured by Temtor Corn & Fruit Products Company South Fort Smith, Arkansas. Guaranteed Analysis: Crude Protein not less than 9.50 Per Cent Crude Fat not less than 1.50% Per Cent Nitrogen-Free Extract not less than 34.00 Per Cent Crude Fiber not more than 22.00 Per Cent."

It was alleged in substance in the libel that the statements above set forth and so contained on the said bags and tags were false and fraudulent (misleading), and that said product was misbranded in violation of the general paragraph of section 8 of the said act, in that it did not contain the per cent of crude protein so alleged and set forth on the said tags.

On February 4, 1924, no claimant having appeared for the property and the product having theretofore been destroyed for the reason that it had become unfit for use and had become dangerous, a decree of the court was entered, adjudging the product to be misbranded, and it was ordered by the court that the destruction of the said product be approved.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12323. Adulteration of canned salmon. U. S. v. 39 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17472. I. S. No. 2727–v. S. No. E–4368.)

On April 24, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 cases of canned salmon remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Griffith-Durney Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., on or about December 1, 1922, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Klawack Brand Fresh Alaska Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 16, 1924, Halpen, Green & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of the court was entered, finding the product to be adulterated and misbranded and ordering its destruction, providing, however, that it might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be reconditioned by actual recanning under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12324. Adulteration of canned sardines. U. S. v. 9 Cases et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17831, 17832, 17833. I. S. Nos. 2829–v, 2831–v, 2833–v, 2834–v. S. Nos. E–4488, E–4489, E–4490.)

On September 19 and 20, 1923, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 54 cases of sardines remaining in the original unbroken packages in part at Harrisburg, Pa., and in part at Lebanon, Pa., alleging that the article had been shipped by the Columbian Canning Co. from Lubec, Me., in various consignments, namely, on or about July 24, July 31, and August 2, 1923, respectively, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Champion Brand American Sardines * * * In Cotton Seed Oil * * * Packed and Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine." The remainder of the article was labeled in part: "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 17, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12325. Misbranding of oil. U. S. v. Abraham Gash. Plea of guilty. Fine, $200. (F. & D. No. 16414. I. S. Nos. 6622–t, 6623–t, 6687–t, 6688–t, 6689–t.)

On October 4, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Abraham Gash, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 19, 1921, from the State of New York into the State of New Jersey, and on or about May 30, 1921, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. A portion of the article was labeled in part: (Can) "Extra Quality Oil * * * The Italian Cook Brand Winterpressed Cottonseed Salad Oil Flavored with Pure Olive Oil Net Contents 1 Gall. A Compound." The remainder of the said article was labeled in part: (Can) "Net Contents 1 Gal." (or "Net Contents ½ Gal.," or "Net Contents 1 Quart.") "Extra Fine Quality Oil Selma Brand For Salads—Cooking and Mayonnaise. * * * High Grade Vegetable Oil. Flavored with Pure Olive Oil."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the article consisted almost entirely of cottonseed oil or soya bean oil mixed with cottonseed oil. Examination by said Bureau showed that the cans contained a less quantity of the article than was declared on the labels.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Cottonseed Salad Oil Flavored with Pure Olive Oil," appearing on the cans, containing a portion of the article and the statement, to wit, "Vegetable Oil. Flavored with Pure Olive Oil," appearing on the cans containing the remainder thereof and the further statements, "Net Contents 1 Gal.," "Net Contents ½ Gal.," and "Net Contents 1 Quart," appearing on the respective-sized cans containing the article, were false and misleading in that they represented that the article was a product flavored with pure olive oil and that each of the said cans contained 1 gallon net, ½ gallon net, or 1 quart net, of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product flavored with pure olive oil and that each of the said cans contained 1 gallon net, ½ gallon net, or 1 quart net, of the said article, as the case might be, whereas, in truth and in fact, the article was not a product flavored with pure olive oil but was a product which contained no taste of olive oil and which contained no flavor of olive oil, and each of said cans did not contain the amount declared on the label, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in

package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 6, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12326. Misbranding of cheese. U. S. v. 500 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18624. I. S. No. 17902–v. S. No. C–4340.)

On April 24, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 boxes of cheese at Chicago, Ill., alleging that the article had been shipped by the Miller Cold Storage Co. from Marshfield, Wis., March 29, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that it was shipped as No. 2 cheese, when, in truth and in fact, it was skim-milk cheese. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On May 2, 1924, Armour and Co., claimant, having admitted the material allegations in the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled "Skim Milk Cheese," together with a statement of the net weight.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12327. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18443. I. S. No. 15414–v. S. No. E–4765.)

On March 6, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 boxes of butter remaining in the orginal unbroken packages at Boston, Mass., alleging that the article had been shipped by the C. C. Wright Co. from McLeansboro, Ill., on or about February 15, 1924, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gold Label Butter Is made from pure Pasteurized Cream and is manufactured by one of the most sanitary creameries in operation today. McLeansboro Creamery Co., McLeansboro, Ill."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "Gold Label Butter Is made from pure Pasteurized Cream," was false and misleading and deceived and misled the purchaser.

On April 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12328. Misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co., a Corporation. Plea of guilty. Fine, $150 and costs. (F. & D. No. 17937. I. S. No. 10435–v.)

On March 10, 1924, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging

shipment by said company in violation of the food and drugs act on or about September 21, 1922, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed screenings which was misbranded. The article was labeled in part: "" Chickasha Prime" Cottonseed Cake or Meal. Guaranteed Analysis: Protein, not less than 43 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.50 per cent of crude protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Protein not less than 43 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 43 per cent of protein and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 40.50 per cent of protein.

On April 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12329. Adulteration of shell eggs. U. S. v. William Jackson Gassaway and Carter Weir Gassaway (W. R. Mobile & Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 18313. I. S. No. 4782–v.)

On March 10, 1924, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Jackson Gassaway and Carter Weir Gassaway, copartners, trading as W. R. Mobile & Co., Monroe, Okla., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 18, 1923, from the State of Oklahoma into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part "W. R. Mobile & Co. Monroe, Okla."

Examination of 360 eggs from the consignment by the Bureau of Chemistry of this department showed that 47, or 13 per cent of those examined, were inedible eggs, consisting of mixed or white rots, spot rots, and blood rings.

Adulteration of the articles was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 28, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12330. Adulteration of canned salmon. U. S. v. 300 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17464. I. S. No. 5052–v. S. No. C–3965.)

On April 20, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 cases of salmon at Grand Island, Nebr., alleging that the article had been shipped by the Griffith-Durney Co. from Seattle, Wash., on or about October 19, 1922, and transported from the State of Washington into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "4 doz. Klawack Brand Selected Alaska Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 12, 1924, The Donald Co., Grand Island, Nebr., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12331. Misbranding of candy. U. S. v. Ameen Daher. Plea of guilty. Fine, $25. (F. & D. No. 17702. I. S. Nos. 2581–v, 2702–v, 2704–v.)

On November 20, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ameen Daher, Atlantic City, N. J., alleging shipment by said defendant, in violation of the food and drugs act, as amended, in various consignments, namely, on or about November 21, 1922, and February 19 and March 14, 1923, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of candy which was misbranded. The article was labeled in part: "Daher's Salt Water Taffy One Pound Net 607 Boardwalk Atlantic City. N. J."

Examination by the Bureau of Chemistry of this department of 3 boxes taken from each of the consignments showed a variation in net weight from 14.95 ounces to 15.88 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the boxes containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said boxes contained 1 pound net of candy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said boxes contained 1 pound net of candy, whereas, in truth and in fact, they did not, but each of said boxes contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12332. Adulteration of shell eggs. U. S. v. Farmers Union Produce Co., a Corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 16235. I. S. No. 11006–t.)

On June 29, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Produce Co., a corporation, Quinter, Kans., alleging shipment by said company, in violation of the food and drugs act, on or about September 3, 1921, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Farmers Union, Quinter, Kans."

Examination by the Bureau of Chemistry of this department of five cases from the consignment showed that 207 eggs or 23 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On April 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12333. Misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18709. I. S. No. 14999–v. S. No. E–4856.)

On May 29, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 200 sacks of potatoes remaining in the original unbroken packages at Washington, D. C., consigned by the Wolverine Fruit & Produce Exchange, Grand Rapids, Mich., alleging that the article had been shipped on May 21, 1924, and transported from the State of Michigan into the District of Columbia, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Michigan U. S. Grade No. 1. 150 Lbs. Net Wt. when packed." The remainder of the said article was labeled in part: "Net Weight when Packed 150 Lbs. U. S. Grade No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the labeling, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser.

On May 31, 1924, N. J. Ward, Washington, D. C., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $700, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12334. Misbranding of cottonseed meal. U. S. v. Peoples Oil and Fertilizer Co., a Corporation. Plea of nolo contendere. Fine, $35. (F. & D. No. 17707. I. S. No. 3394–v.)

On October 17, 1923, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Peoples Oil and Fertilizer Co., a corporation, Anderson, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about January 10, 1923, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Good Quality Cotton Seed Meal Manufactured By Peoples Oil and Fertilizer Company Anderson, S. C. Guaranteed Analysis Protein 36% * * * Fiber 14%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.75 per cent of protein and 14.62 per cent of crude fiber.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Guaranteed Analysis Protein 36% Fiber 14%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, it did contain less than 36 per cent of protein and more than 14 per cent of fiber.

On November 28, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $35.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12335. Misbranding of coffee. U. S. v. 159 Cans of Coffee. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. Nos. 18456, 18457, 18480. I. S. Nos. 20618–v, 20619–v, 20620–v. S. Nos. W–1487, W–1488, W–1489.)

On March 15, 1924, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 159 cans of coffee remaining unsold in the original packages at Cheyenne, Wyo., alleging that the article had been shipped by the Independence Coffee and Spice Co., Denver, Colo., in various consignments, namely, on or about August 23, October 1, November 28, and December 31, 1923, respectively, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Breakfast Call Coffee * * * One Pound" (or "Two Pounds" or "Three Pounds") "Steel Cut * * * The Independence Coffee And Spice Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the respective-sized cans containing the said article, namely, "One Pound," "Two Pounds," and "Three Pounds," were false and misleading, and for the further reason that the article was so marked as to deceive and mislead the purchaser in that the said cans purported to contain 1 pound, 2 pounds, and 3 pounds, respectively, whereas, in truth and in fact, the said cans contained less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity

of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight or measure.

On March 29, 1924, The Independence Coffee and Spice Co., Denver, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12336. Adulteration of Brazil nuts. U. S. v. 4½ Bags of Brazil Nuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18266. I. S. No. 5617–v. S. No. C–4248.)

On January 10, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4½ bags of Brazil nuts remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the J. B. Inderrieden Co. from Buffalo, N. Y., June 27, 1923, and transported from the State of New York into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of filthy and decomposed nuts.

On March 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12337. Misbranding of Foley kidney pills. U. S. v. 8½ Dozen Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18052. I. S. No. 19917–v. S. No. C–4168.)

On November 15, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8½ dozen bottles of Foley kidney pills at Minneapolis, Minn., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., on or about September 13, 1923, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the food and drugs act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, (bottle label, carton, and circular) "Kidney Pills For Irritation" (circular, "Irritations") "of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely, * * * 2nd—The bowels must be kept active. * * * 3rd—The diet is of great importance. * * * Satisfaction Guaranteed," were false and fraudulent since the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 27, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12338. Adulteration and misbranding of tankage. U. S. v. 167 Sacks of Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18448. I. S. No. 17711–v. S. No. C–4309.)

On March 6, 1924, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 167 sacks of tankage at Dubuque, Iowa, alleging that the

article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about January 8, 1924, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% Fat 7% Crude Fibre 8% Made By Rogers By-Products Co. Aurora, Ill."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, hoof meal, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Digester Tankage" and the statements, "Analysis Protein 60%," "Fat 7%," were false and misleading, and deceived and misled the purchaser, since the product was a mixture of tankage and hoof meal. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 1, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12339. Misbranding of tomatoes. U. S. v. Farmers Co-Operative Society, a Corporation. Plea of guilty. Fine, $1. (F. & D. No. 18308. I. S. No. 394–v.)

On February 27, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers' Co-Operative Society, a corporation, Bullard, Texas, alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 15, 1923, from the State of Texas into the State of New York, of a quantity of tomatoes which were misbranded. The article was labeled in part: "Blue Bonnet Brand East Texas Tomatoes Shed Packed * * * Grown and Packed By Farmers Co-Operative Society Bullard, Texas."

Misbranding of the article was alleged in the information for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $1.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12340. Adulteration of raspberry jam. U. S. v. 99 Cases of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17726. I. S. No. 8429–v. S. No. W–1406.)

On August 16, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of raspberry jam remaining in the original unbroken packages at San Francisco, Calif., consigned by the Oregon Packing Co., Vancouver, Wash., alleging that the article had been shipped from Vancouver, Wash., August 1, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 2, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12341. Adulteration of canned corn. U. S. v. 13 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18699. I. S. No. 15192–v. S. No. E–4837.)

On May 19, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cases of canned corn, consigned on or about February 14, 1924, re-

maining in the original unbroken packages at Hagerstown, Md., alleging that the article had been shipped by G. H. Baker from Middletown, Del., and transported from the State of Delaware into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Middletown Brand * * * Hearts Of Corn And Sugar Corn * * * Packed By G. H. Baker, Middletown, Delaware."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 19, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12342. Adulteration and misbranding of canned oysters. U. S. v. 25 Cases, et al., of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18606, 18607. I. S. Nos. 12094–v, 12095–v, 12096–v, 12097–v. S. No. W–1504.)

On or about April 23, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases, 4-ounce size, and 60 cases, 8-ounce size, canned oysters, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by the Marine Products (Inc.), New Orleans, La., on or about February 16, 1924, and transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Golden Grain Belt Brand * * * Oysters Net Contents 8 Ounces" (or "Net Contents 4 Ounces") "Packed By Sea Food Co., Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been so mixed and packed with and substituted wholly or in part for normal oysters of good commercial quality as to reduce and lower and injuriously affect the quality and strength of the said oysters.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, and for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 7, 1924, the Johnson Lieber Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the respective cans be relabeled by pasting over the statements of weight, stickers containing the following: "Slack Filled—contains excessive brine. Contents, 7¼ ounces Oyster Meat. This size can should contain 8 ounces of oyster meat," and "Slack Filled—contains excessive brine. Contents, 3¼ ounces. Oyster Meat. This size can should contain 4 ounces Oyster Meat."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12343. Adulteration of walnut meats. U. S. v. 6 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17299. I. S. Nos. 8282–v, 8283–v. S. No. W–1320.)

On February 21, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of walnut meats remaining in the original unbroken packages at Spokane, Wash., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped on or about January 13, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dark Amber" (or "Standard Amber") "* * * Order of Sanitary Nut Shelling Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On June 16, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12344. Misbranding of linseed-oil meal. U. S. v. 400 Sacks and 100 Sacks of Linseed Oil Meal. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18697, 18698. I. S. Nos. 13709–v, 16021–v. S. Nos. E–4844, E–4845.)

On or about May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 500 sacks of linseed-oil meal remaining in the original unbroken packages in part at Philadelphia, Pa., and in part at Lancaster, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., in part on or about March 7, and in part on or about March 13, 1924, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in substance in the libels for the reason that the packages contained labels which bore the following statements regarding the article and the ingredients and substances contained therein, "100 pounds 34% Protein. Pure Old Process Linseed Oil Meal. From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 34 Minimum Fat 6 Maximum Fiber 10," which said statements were false and misleading in that the article did not contain 34 per cent of protein.

On June 24, 1924, Ezl. Dunwoody Co. and John W. Eshelman & Sons having appeared as claimants for respective portions of the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $450, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12345. Adulteration and misbranding of oil. U. S. v. Gaetano Garra. Plea of guilty. Fine, $100. (F. & D. No. 16420. I. S. No. 7001–t.)

On November 1, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gaetano Garra, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about June 4, 1921, from the State of New York into the State of Connecticut of a quantity of oil which was adulterated and misbranded. The article was labeled in part: (Can) "Finest Quality Table Oil * * * Tipo Termini Imerese" (inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil") "1 Gallon Net."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of cottonseed oil. Examination of 7 cans by said bureau showed an average volume of 0.95 gallon.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "1 Gallon Net," and "Finest Quality Table Oil * * * Tipo Termini Imerese," together with the design and device of an olive tree, with natives gathering olives, not corrected by the statement in inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that each of the said cans contained 1 gallon net of the article, and that it was olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of the article, and that the article was olive oil, whereas, in truth and

in fact, each of said cans contained a less amount and the article was not olive oil but was a mixture composed in large part of cottonseed oil. Misbranding was alleged for the further reason that the said statements, design, and device, borne on the said cans, purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged for the further reason that the statement, to wit, "Cottonseed Oil Slightly Flavored With Olive Oil," borne on the cans containing the article, was false and misleading in that it represented that the article was flavored with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with olive oil, whereas, in truth and in fact, it had no flavor of olive oil.

On June 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12346. Adulteration and misbranding of flour. U. S. v. 800 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18083. I. S. No. 8443–v. S. No. W–1442.)

On November 22, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 800 sacks of flour remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Crown Mills from Portland, Ore., November 9, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Bakers' Chief Hard Wheat Patent Flour Crown Mills, Portland, Oregon, 98 Pounds Bleached."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label, "98 Pounds" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package .

On December 12, 1923, the Allen Flour Company, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the law under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12347. Adulteration of Limonada and Zarzaparrilla. U. S. v. 137 Bottles of Limonada and Zarzaparilla Default decree entered, ordering destruction of products. (F. & D. Nos. 18563, 18564. I. S. Nos. 3544–v, 3545–v. S. Nos. E–4802, E–4803.)

On or about March 28, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 137 bottles of Limonada and Zarzaparrilla, at Puerta de Tierra, P. R., alleging that the articles were being offered for sale and that a portion thereof had been sold within the Territory of Porto Rico by the Tropical Fruit Juice Co., Puerta de Tierra, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, respectively: "The Tropical Fruit Juice Co. * * * Limonada" and "The Tropical Industrial Company * * * Zarzaparrilla."

Adulteration of the articles was alleged in the libel for the reason that a solution of saccharin had been substituted in part for the articles, and for the further reason that they contained an added poisonous or deleterious in-

gredient, to wit, saccharin, which might have rendered them injurious to health.

On April 26, 1924, no claimant having appeared for the property, judgment of the court was entered in favor of the Government, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12348. Adulteration and misbranding of Almanaris Waukesha water. U. S. v. 250 Cases Almanaris Waukesha Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6891. I. S. No. 10313–l. S. No. C–342.)

On October 4, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of Almanaris Waukesha water, at Chicago, Ill., alleging that the article had been shipped by the Almanaris Mineral Spring Co. from Waukesha, Wis., September 16, 1915, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance and for the further reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that the labels of the bottles containing the article bore the following statements, "For the Kidneys Almanaris-Waukesha Water Contents one U. S. Gallon Net Waukesha, Wis. U. S. A. None genuine without seal over neck of bottle * * * Almanaris Famous Mineral Water A M S Co. Specific for liver, bladder and stomach troubles—Contents guaranteed if seal is unbroken," which statements were false and fraudulent in that they represented that the article was a cure or remedy for diseases or affections of the kidneys and that it was a specific for liver, bladder, and stomach troubles, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12349. Adulteration of canned corn. U. S. v. 800 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18695. I. S. No. 15221–v. S. No. E–4834.)

On May 20, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 800 cases of canned corn remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Middletown Brand Hearts Of Corn And Sugar Corn * * * Packed By G. H. Baker, Middletown, Delaware."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 20, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12350. Adulteration of shell eggs. U. S. v. 21 Cases and 5½ Cases of Shell Eggs. Decree entered, ordering release of product under bond, to be candled. (F. & D. No. 18450. I. S. No. 6335–v. S. No. C–4301.)

On February 12, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26½ cases of shell eggs, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped

by the Western Cold Storage Co., Chicago, Ill., on or about February 6, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that the article consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 14, 1924, Wayne J. Stedlin and John H. Hageland, having appeared as claimants for the property and having executed a bond in the sum of $200, in conformity with section 10 of the act, it was ordered by the court that the product be released to the said claimants under the terms and conditions of said bond, conditioned in part that the product be candled under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12351–12400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 21, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12351. Adulteration and misbranding of oysters. U. S. v. Charles Neubert (Charles Neubert & Co.). Plea of guilty. Fine, $100 and costs. (F. & D. No. 18362. I. S. Nos. 2305–v, 4991–v, 4992–v, 10544–v, 19332–v, 19333–v.)

On April 30, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Neubert, trading as Charles Neubert & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about November 21 and 22, 1923, respectively, into the State of Indiana, and on or about November 21, 1923, into the States of Pennsylvania and Maine, respectively, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: (Can) "Neuberts Baltimore 1 Gal. Standards Oysters."

Examination of the article by the Bureau of Chemistry of this department showed that an excessive amount of free liquor was present and that the oysters had been soaked with added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in part for oysters, which the said article purported to be, and for the further reason that a valuable constitutent of the article, to wit, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Oysters," borne on the cans containing the article, regarding the said article, was false and misleading in that it represented that the article consisted wholly of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of oysters, whereas, in truth and in fact, it did not consist wholly of oysters but did consist in part of added water.

On May 26, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12352. Adulteration of raisins. U. S. v. The Williamson-Halsell-Frasier Co., a Corporation. Plea of guilty. Fine, $75. (F. & D. No. 17913. I. S. No. 6028–v.)

On December 13, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Williamson-Halsell-Frasier Co., a corporation, Chickasha, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about October 25, 1922, from the State of Oklahoma into the State of Texas, of a quantity of raisins which were adulterated. The article was labeled in part: "Louis Brand * * * Seeded Raisins Packed For The Williamson-Halsell-Frasier Co. * * * Chickasha, Okla."

Examination of the article by the Bureau of Chemistry of this department showed that it contained insect webs and excreta.

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and decomposed vegetable substance.

On May 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $75 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12353. Adulteration and misbranding of apple jelly. U. S. v. 23 Cases and 5 Cases of Apple Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18382. I. S. Nos. 15362–v, 15363–v. S. No. E–4733.)

On February 15, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 cases, each containing 3 dozen jars, and 5 cases, each containing six 5-pound crocks of apple jelly, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by F. P. Adams Co. (Inc.), from Boston, Mass., in two consignments, namely, on or about November 16 and 22, 1923, respectively, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Apple Jelly."

Adulteration of the article was alleged in the libel for the reason that substances, glucose, pectin, and citric acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels, "Pure Apple Jelly," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12354. Adulteration and misbranding of strawberry jam and raspberry jam. U. S. v. 40 Jars of Strawberry and 20 Jars of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18393. I. S. Nos. 15365–v, 15366–v. S. No. E–4737.)

On February 19, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 jars of strawberry jam and 20 jars of raspberry jam remaining in the original unbroken packages at Woonsocket, R. I., alleging that the article had been shipped by the F. P. Adams Co. (Inc.), from Boston, Mass., on or about November 10, 1923, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "One Pound Net Pure Strawberry" (or "Raspberry") "Jam Prepared From Selected Fruit and Refined Sugar Manufactured By F. P. Adams Co. Inc. Boston, U. S. A."

Adulteration of the article was alleged in the libel for the reason that substances, pectin and glucose, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the jars containing the article, "Pure Strawberry" or "Raspberry," as the case might be, and "Jam Prepared from Selected Fruit and Refined Sugar," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12355. Misbranding of oil. U. S. v. 20 1-Gallon Cans of La Provence Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15335. I. S. No. 5087–t. S. No. E–3524.)

On August 2, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 1-gallon cans of La Provence oil remaining in the original unbroken packages at Providence, R. I., consigned by the Littauer Oil Co., Guttenberg, N. J., alleging that the article had been shipped from Guttenberg, N. J., on or about June 9, 1921, and transported from the State of New Jersey into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "One Gallon La Provence Brand Oil * * * Littauer Oil Co., Guttenberg, N. J."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the can containing the said article, to wit, "One Gallon," was false and misleading and deceived and misled the purchaser in that the said statement led the purchaser to believe that each of the cans contained 1 gallon of oil, when it did not, being short in volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12356. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18711. I. S. No. 13753–v. S. No. E–4859.)

On May 29, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 260 sacks of potatoes remaining in the original unbroken packages at Washington, D. C., consigned by Mosely Bros., Grand Rapids, Mich., May 22, 1924, alleging that the article was being offered for sale and sold within the District of Columbia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Michigan U. S. Grade No. 1 150 lbs. Net Wt. when packed,"

Examination of the article by the Bureau of Chemistry of this department showed that approximately 17 per cent thereof were hollow-hearts and that approximately 10 per cent contained other blemishes, such as growth cracks, second growth, sunburn, and mechanical injury.

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser.

On June 2, 1924, Levanthal & Oxenburg, Washington, D. C., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $700, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12357. Adulteration and misbranding of flour. U. S. v. 343 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18493. I. S. No. 18731–v. S. No. C–4317.)

On March 14, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 343 sacks of flour remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Lyons Milling Co., Burton, Kans., on or about February 16, 1924, and transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "The Lyons Milling Company 140 Pounds Telegram Registered * * * Kansas Hard Wheat Flour General Offices, Lyons, Kansas."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label "140 Pounds," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1924, John C. Brockmeier, trading as Brockmeier & Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the sacks be relabeled under the supervision of this department and that the sacks be refilled to the correct quantity of contents.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12358. Adulteration and misbranding of chocolate candies. U. S. v. 25 Boxes and 30 Boxes of Chocolate Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18426. I. S. Nos. 15427–v, 15428–v. S. No. E–4755.)

On March 3, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 55 boxes of chocolate candies remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Lauer & Suter Co. from Baltimore, Md., in part on or about January 21, and in part on or about January 26, 1924, and transported from the State of Maryland into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Box) "L & S * * * 120—Choc Cream Crosses—120 Pure Candies The Lauer & Suter Co. Baltimore. Md." The remainder of the said article was labeled in part: (Box) "L & S * * * 120—Choc. Cr. Jazz Rabbits—120 Pure Candies The Lauer & Suter Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Choc Cream * * * Pure Candies" and "Choc. Cr. * * * Pure Candies," as the case might be, were false and misleading and deceived and misled the purchaser in that the product contained a foreign fat, to wit, cocoanut fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12359. Adulteration and misbranding of canned oysters. U. S. v. 1,410 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18515, 18516, 18517, 18518, 18519, 18520, 18521, 18522, 18523, 18524, 18525. I. S. Nos. 18027–v, 18040–v, 18041–v, 4744–v. S. No. C–4322.)

On March 31, 1924, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,410 cases of oysters remaining in the original packages in various lots at Lexington, Hazard, London, Burnside, Maysville, Lawrenceburg, and Hutchison, Ky., respectively, consigned by the Marine Products Co., New Orleans, La., from Biloxi, Miss., January 19, 1924, alleging that the article had been shipped from Biloxi, Miss., and transported from the State of Mississippi into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: "Konisur Brand * * * Cove Oysters Packed By Sea Food Co. Biloxi, Miss., U. S. A. Contents 5 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the labels, "Contents 5 Ounces," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 20, 1924, the Sea Food Co., Biloxi, Miss., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to bear the following statements: "Slack Filled. Contains excessive brine. Minimum contents 4 oz. Oyster Meat. This size can should contain 5 Oz. Oyster Meat."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12360. Adulteration and misbranding of canned oysters. U. S. v. H. J. McGrath Co., a Corporation. Plea of guilty. Fine, $1 and costs. (F. & D. No. 17238. I. S. No. 13468–t.)

At the April, 1924, term of the United States District Court within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the H. J. McGrath Co., a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 31, 1921, from the State of Maryland into the State of Kansas of a quantity of canned oysters which were adulterated and misbranded.

Examination of 12 cans of the article by the Bureau of Chemistry of this department showed an average weight of 9.2 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Oysters" and "Contents 10 Oz.," borne on the labels attached to the cans containing the article regarding the said article, were false and misleading in that they represented that the article consisted wholly of oysters, and that each of the said cans contained not less than 10 ounces thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of oysters, and that each of the said cans contained not less than 10 ounces thereof, whereas, in truth and in fact, it did not consist wholly of oysters but did consist in part of excessive brine, and each of the said cans did not contain 10 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $1 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12361. Adulteration and misbranding of compound oil and olive oil. U. S. v. Joseph Flione, Pantell Themo, and Louis Berrish (Flione-Themo & Co.). Plea of nolo contendere by Flione. Fine, $25. (F. & D. No. 17786. I. S. Nos. 1690–v, 1691–v, 1693–v, 1694–v.)

On November 12, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Flione, Pantell Themo, and Louis Berrish, copartners, trading as Flione-Themo & Co., Boston, Mass., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about January 13 and 25, 1923, respectively, from the State of Massachusetts into the State of New Hampshire, of quantities of compound oil, a portion of which was misbranded, and the remainder of which was adulterated and misbranded, and of a quantity of olive oil which was adulterated and misbranded. The compound oil was labeled in part: (Can) "Net Contents One Quart" (or "Net Contents Half Gallon") "Adriatic Brand Superior Quality * * * Oil

A Compound Of Cotton Seed Oil Flavored With High Grade Olive Oil." The olive oil was labeled in part: (Can) "Net Contents One Quart San Marino Brand * * * Pure Olive Oil."

Analysis of a sample of the alleged olive oil by the Bureau of Chemistry of this department showed that it contained approximately 60 per cent of cottonseed oil. Analysis of the product contained in the half-gallon cans of compound oil showed that it contained a small amount of olive oil, if any. Examination of the products involved in all the consignments showed that the cans contained less than the amounts declared on the respective labels.

Adulteration of the alleged olive oil was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which the said article purported to be. Adulteration of the portion of the compound oil contained in the half-gallon cans was alleged for the reason that a product which contained no olive oil had been substituted for a product flavored with olive oil, which the article purported to be.

Misbranding of the olive oil was alleged for the reason that the statement, to wit, "Pure Olive Oil," borne on the cans containing the article, was false and misleading in that it represented that the said article was pure olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, whereas, in truth and in fact, it was not, but was a mixture composed in part of cottonseed oil. Misbranding of the olive oil was alleged for the further reason that it was a product composed in part of cottonseed oil prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding of the portion of the compound oil contained in the half-gallon cans was alleged for the reason that the statement, to wit, "Flavored With High Grade Olive Oil," borne on the cans containing the article, was false and misleading in that it represented that the said article was flavored with high-grade olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with high-grade olive oil, whereas, in truth and in fact, it was not flavored with high-grade olive oil, in that it contained no olive oil.

Misbranding was alleged with respect to the products involved in all the consignments for the reason that the statement, to wit, "Net Contents One Quart," borne on the cans containing the olive oil and a portion of the compound oil, and the statement, "Net Contents Half Gallon," borne on the cans containing a portion of the compound oil, were false and misleading in that the said statements represented that each of the said cans contained 1 quart or one-half gallon of the respective articles, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 quart or one-half gallon of the respective articles, as the case might be, whereas, in truth and in fact, each of the said cans did not contain the amount declared on the label but did contain a less amount.

Misbranding was alleged with respect to the products involved in all the consignments for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1923, defendant Joseph Flione entered a plea of nolo contendere to the information, and the court imposed a fine of $25. The information was placed on file with respect to the defendants Pantell Themo and Louis Berrish.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12362. Adulteration and misbranding of canned oysters and canned shrimp. U. S. v. 605 Cases of Canned Oysters, et al. Consent decree entered, adjudging product to be adulterated and misbranded and ordering its release under bond. (F. & D. No. 17712. I. S. Nos. 6915–v, 6916–v, 6917–v, 6918–v, 6919–v, 6920–v. S. No. C–4099.)

On August 15, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,105 cases of canned oysters and 70 cases of dry-pack shrimp remaining in the original packages, in various lots, at Wichita Falls,

Mineral Wells, Plainview, Amarillo, Memphis, Commanche, DeLeon, Stephenville, Weatherford, Coleman, Eastland, and Fort Worth, Texas, respectively, consigned by the Sea Food Co., Biloxi, Miss., alleging that the articles had been shipped from Biloxi, Miss., on or about April 7, 1923, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled variously in part: (Can) "Winner Brand * * * Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Net Contents 4 Ounces" (or "Net Contents 8 Ounces"); "White Pony Brand * * * Contains 4 Oz. Oyster Meat Oysters"; "First Pick Brand * * * Oysters Contains 5 Oz. Oyster Meat"; "Golden Grain Belt Brand * * * Oysters Packed By Sea Food Co. * * * Net Contents 4 Ounces" (or "Net Contents 8 Ounces"); "Darling Brand * * * Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs. Oysters"; "Seafooco Brand * * * Oysters Packed By Sea Food Co. Biloxi, Miss. * * * Contents 5 Ozs. Oysters"; "Darling Brand * * * Dry Pack Shrimp Packed By Sea Food Co. Biloxi, Miss. U. S. A. * * * Contents 5 Ozs. Shrimp."

Adulteration of the articles was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in part for the said articles.

Misbranding was alleged for the reason that the respective statements appearing in the labeling, "Net Contents 4 Ounces," "Net Contents 8 Ounces," "Net Contents 5 Oz.," "Net Contents 10 Oz.," with regard to the said oysters, and the statement, "Net Contents 5 Ozs.," with regard to the said shrimp, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1923, the Sea Food Co., Biloxi, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be adulterated and misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12363. Adulteration and misbranding of vinegar. U. S. v. E. S. Shelby Vinegar & Canning Co. (Inc.), a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 17802. I. S. Nos. 3099–v, 3436–v.)

At the January, 1924, term of the United States District Court within and for the Western District of North Carolina, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the E. S. Shelby Vinegar & Canning Co. (Inc.), a corporation, Newton, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about July 18 and September 26, 1922, respectively, from the State of North Carolina into the State of South Carolina, of quantities of vinegar which was adulterated and misbranded. A portion of the article was labeled in part: (Barrel) "E. S. Shelby Vinegar and Canning Co. * * * Red Distilled Vinegar 48 Gals. Newton, N. C." The remainder of the said article was labeled in part: "Golden Rod Pure * * * Apple Vinegar Contents One Pint Nine Fluid Ounces" (in inconspicuous type, "Contents not less than sixteen ounces") "E. S. Shelby Vinegar & Canning Co. Incorporated Newton, N. C."

Analysis of a sample of the article from each of the consignments by the Bureau of Chemistry of this department showed that they contained excessive water. Examination by said bureau of the Golden Rod Brand vinegar showed that 12 bottles contained an average of 16.3 fluid ounces.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that excessive water had been substituted in part for vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Vinegar," borne on the barrels containing a portion of the article, and the statements, "Pure Apple Vinegar" and "Contents One Pint Nine Fluid Ounces," borne on the labels attached to the bottles containing the remainder of the said article,

were false and misleading in that they represented that the portion of the article contained in barrels was vinegar and that the remainder thereof was pure apple vinegar and that the said bottles contained 1 pint and 9 fluid ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the portion of the article contained in the said barrels was vinegar and that the remainder thereof was pure apple vinegar and that the said bottles contained 1 pint and 9 fluid ounces of the said article, whereas, in truth and in fact, it was not vinegar or pure apple vinegar, as the case might be, but was a product consisting in part of excessive water, and the said bottles did not contain 1 pint and 9 fluid ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding of the bottled vinegar was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

At the April, 1924, term of the court a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12364. Adulteration and misbranding of canned oysters. U. S. v. 31 Cases, et al., of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18632. I. S. Nos. 20049–v, 20050–v, 20051–v, 20052–v. S. No. W–1506.)

On May 1, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,124 cases of canned oysters remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Marine Products Co. (Inc.), from New Orleans, La., on or about March 18, 1924, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Darling Brand * * * Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs. Oysters" (or "Contents 8 Ozs. Oysters"). The remainder of the article was labeled in part: (Can) "Our Choice * * * Oysters * * * Contents 5 Oz." (or "Contents 10 Oz.").

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that certain statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the drained weight of oysters contained in the cans was less than that stated on the respective labels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 21, 1924, the Marine Products Co., New Orleans, La., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,500, in conformity with section 10 of the act, conditioned in part that the article be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12365. Misbranding of butter. U. S. v. 16 Cases and 13 Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18552, 18560. I. S. Nos. 5987–v, 5988–v. S. Nos. C–4330, C–4332.)

On April 14, 1924, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 29 cases of butter remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Ozark Creamery Co., Neosho, Mo., on or about April 7, 1924, and transported

from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Retail carton) "Dairy Maid Brand Pure Creamery Butter * * * Weight One-Pound Net," (shipping carton) "Ozark Creamery Company Neosho, Missouri."

Misbranding of the article was alleged in the libels for the reason that the statement appearing on the labels, "Weight One Pound Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1924, the Ozark Creamery Co., Neosho, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12366. Misbranding of Thomas' emmenagogue pills, Arthur's emmenagogue pills, Leslie's emmenagogue pills, Bick's Sextone pills, Arthur's Sextone tablets, Bick's Daisy 99, Bick's nerve tonic, and La Derma Vegiseptic discs. U. S. v. 5 Boxes of Thomas' Emmenagogue Pills, et al. Default decree ordering destruction of products. (F. & D. No. 15319. S. Nos. C–3152, C–3153, C–3154, C–3155, C–3156, C–3157.)

On August 19, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 boxes of Thomas' emmenagogue pills, 6 boxes of Arthur's emmenagogue pills, 5 boxes of Leslie's emmenagogue pills, 1 box of Bick's Sextone pills, 24 boxes of Arthur's Sextone tablets, 5 boxes of Bick's Daisy 99, 11 boxes of Bick's nerve tonic, and 11 boxes of La Derma Vagiseptic discs, at Canyon, Texas, alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., in part August 29, 1918, and in part August 21, 1919, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that Thomas' emmenagogue pills, Arthur's emmenagogue pills, and Leslie's emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; that Bick's Sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxid, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; that Arthur's Sextone tablets contained iron oxid, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; that Bick's Daisy 99 consisted of tablets containing iron sulphate, methylene blue, and material derived from plants including cubebs, copaiba, santalwood, and starch, coated with sugar and calcium carbonate; that Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; and that La Derma Vagiseptic discs contained salt, alum, starch, milk sugar, and talc.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements appearing in the labeling, ("Thomas'," "Arthur's," and "Leslie's," emmenagogue pills, box) "Emmenagogue Pills recommended for Amenorrhea, Dysmenorrhea and other Menstrual Troubles. Beginning treatment before the regular monthly period, continue treatment until relief is obtained," (Bick's Sextone pills, box) "Sextone Pills * * * Composed * * * of * * * Aphrodisiac Agencies," (Arthur's Sextone tablets, wrapper) "Designed to correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex Composed * * * of the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up," (Bick's Daisy 99, wrap-

per) "Gonorrhea * * * and functional ailments of the Kidneys and Bladder in both Male and Female," (Bick's nerve tonic, wrapper) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains * * * a nerve * * * tonic * * * for all female complaints * * * for Weakness, Nervousness, Headache, Kidney trouble and loss of Power in either Sex * * * for female weakness, heart trouble and where a general breakdown of the nervous system exists," (LaDerma Vagiseptic discs, wrapper) "for * * * Amenorrhea and other Uterine and Vaginal Disorders," (circular) "For * * * Amenorrhea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhea," were false and fraudulent in that the articles contained no ingredient or combination of ingredients capable of producing the said therapeutic effects.

On November 2, 1922, no claimant having appeared for the property, judgment was entered, finding that the product should be condemned, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12367. Misbranding and alleged adulteration of vinegar. U. S. v. 95 Barrels, more or less, Alleged Apple Cider Vinegar. Case tried to the court on an agreed statement of facts. Judgment for the Government on misbranding charge. Case carried to Circuit Court of Appeals on writ of error. Judgment of lower court reversed. Writ of certiorari to the U. S. Supeme Court. Judgment of appellate court reversed and that of trial court affirmed. (F. & D. No. 12068. I. S. No. 12414–r. S. No. C–1676.)

On January 12, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 barrels, more or less, of alleged apple cider vinegar, at Cleveland, Ohio, alleging that the article had been shipped by the Douglas Packing Co. from Fairport, N. Y., on or about November 24, 1919, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Head of barrel) "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced to 4 Per Centum Rochester N. Y." (other end of barrel) "Guaranteed to Comply With all Pure Food Laws Douglas Packing Co. Rochester N Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements appearing on the label, "Vinegar made from Selected Apples" and "Manufactured [Guaranteed] to comply with all Pure Food Laws," were false and misleading and deceived and misled the purchaser, since the analysis of the product showed it to be made from evaporated or dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On April 29, 1922, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and having on January 30, 1922, filed a demurrer to the libel, the said demurrer was overruled by District Judge Westenhaver. On November 1, 1922, the case having come on for trial before the court on an agreed statement of facts, the court delivered the following opinion sustaining the Government on the misbranding charge (Westenhaver, *D. J.*):

"The Government has seized and libeled, and now seeks to condemn 95 barrels of vinegar shipped in interstate commerce, on the ground that this vinegar is adulterated and misbranded. The shipper, Douglas Packing Company, has appeared and claimed the vinegar, and makes defense. A jury trial has been waived in writing, and the case tried to the Court on an agreed statement of facts.

"None of the material facts is in dispute. The vinegar is labeled: 'Excelsior Brand Apple Cider Vinegar Made from Selected Apples Reduced to four per centum. Guaranteed to comply with all Pure Food Laws.' This vinegar is not made from the expressed juice of fresh apples as pure cider vinegar is commonly understood to be made, but is made from evaporated apples. Claimant, it is agreed, selects mature, sound fruit, free from rot and ferment, and dehydrates same by the most approved processes. In the process of dehydrating

small quantities of sulphur fumes are used to prevent rot and fermentation and subsequent discoloration. The principal result of dehydration is the removal of about eighty per cent of the water content of the apples. Whether in dehydration any other constituents of the apple are removed, is not beyond controversy, as in the present state of chemical science no accepted test or method of analysis is known to the parties for determining that problem. In manufacturing vinegar from apples thus evaporated, claimant places in a suitable receptacle a given quantity of evaporated apples, to which is then added an amount of pure water substantially equal to the amount previously removed by evaporation. Pressure is applied at the top of this mass, and a stream of water under sufficient head is introduced at the top through a pipe and is applied until the liquid released through a vent at the bottom has carried off in solution such constituents of the evaporated apples as are soluble in cold water and useful in the manufacture of vinegar. The liquid product thus obtained, it is agreed, is substantially equal in quantity to that which would have been obtained had fresh apples been used. This liquid carries a small and entirely harmless quantity of sulphur dioxide, which is removed later in the process of fining and filtration by the addition of barium carbonate or some other proper chemical agent which by precipitation eliminates the sulphur compound. The liquid, after this treatment, gives, upon chemical analysis, results similar to those obtained by the chemical analysis of apple cider made from fresh apples, except that it contains a trace of barium. No claim is made that this trace of barium renders the product deleterious or injurious to health. The subsequent process of alcoholic and acetic fermentation is the same as that commonly followed in making vinegar from the expressed juice of fresh apples. The vinegar thus made is similar in taste and composition to the vinegar made in the usual way from fresh apples, except that it contains a trace of barium. No claim is made that this trace of barium renders the product deleterious or injurious to health. Claimant uses in making vinegar in this way, the same receptacles, equipment and process as is used in making cider and vinegar from unevaporated apples. It has been making and selling apple cider and apple cider vinegar thus produced, continuously from a period antedating January 1, 1906. Other cider and vinegar makers have been doing the same. The total amount thus produced and sold has been and is very large. The United States Department of Agriculture has, however, never sanctioned such labeling, and its attitude with respect thereto is evidenced by circulars 13, 17, 19 and 136, and Food Inspection Decision 140. Exhibit samples of cider fermented and unfermented, made from fresh and evaporated apples, and vinegar made from both kinds of cider, have been submitted and were personally examined by me. There are slight differences in appearance and taste, but all have the appearance and taste of cider and vinegar. The foregoing are all the facts material to the determination of this controversy.

"The Government claims that the vinegar in question thus manufactured, is adulterated, in that there is substituted for genuine apple cider vinegar a manufactured product from evaporated apples, in violation of par. 1 and 2, sec. 7, Food and Drug[s] Act, June 30, 1906; also that it is misbranded, in that the statements on the label, 'Apple Cider Vinegar made from Selected Apples and Guaranteed to Comply with all Pure Food Laws,' are false and misleading, in violation of general paragraph, sec. 8, and par. 2 and 4, sec. 8 of said Act; and also that it is misbranded, in that it is labeled in imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar, in violation of par. 1, sec. 8 of said Act. Claimant vigorously and earnestly disputes each and all of these contentions.

"This case has received the careful consideration which the magnitude of the interests and the importance of the question involved, have demanded. My conclusion is in accord with the unreported decision of Judge Geiger of the Eastern District of Wisconsin. In my opinion, this vinegar is misbranded, if not adulterated, within the meaning of said Act.

"Vinegar is a food product, as defined in sec. 6 (U. S. Comp. Stat. 1916, 8722) of said Act. It is probably not adulterated within the meaning of par. 1, sec. 7. Whether it is adulterated within the meaning of par. 2, sec. 7, will not be determined by me. The question of whether it is adulterated within the meaning of that paragraph, turns on whether or not vinegar manufactured by the process above described is a substitution in whole or in part, of one article for another; that is, a spurious vinegar for apple cider vinegar. Claimant's

contention is that apple cider made by expressing the juice of fresh apples, and its liquid product produced as above described, from evaporated apples, are both apple cider, and that the difference resolves itself merely to a controversy over the process by which apple cider and apple cider vinegar are made. However, as I am content to dispose of this case upon the question of misbranding alone, no opinion need or should be expressed upon this aspect of the controversy.

"The applicable provisions of the Food & Drug [Food and Drugs] Act with respect to misbranding, are sec. 8, general paragraph, and paragraphs 1 and 2 and 4 of sec. 8. The general paragraph of sec. 8 provides: 'The term "misbranded" as used herein shall apply to all * * * articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances therein contained which shall be false or misleading in any particular.' Thus it appears that the false or misleading statement which is forbidden, applies as much to the food article as to the ingredients or substances of which it is made; hence any statement regarding the article which is false or misleading, is within the definition of 'misbranding.' Par. 2 provides that in case of foods, an article shall be deemed to be misbranded 'if it be labeled or branded so as to deceive or mislead the purchaser.' Par. 4 says it shall be deemed to be misbranded 'if the package containing it, or its labels, shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular.' In this paragraph the false or misleading statement applies only to the ingredients or substance of the article, but the language used emphasizes that the object of the law was to prevent the purchasing public from being misled or deceived in the sale and distribution of food products. Par. 1 says an article shall be deemed to be misbranded 'if it be an imitation of or offered for sale under the distinctive name of another article.' The general purpose, as well as the explicit prohibitions of the law, is to be determined from these statutory provisions.

"These provisions have been often considered by the courts. The Food & Drugs Acts, although penal in its nature, is not given a strict construction but one which will reasonably tend to accomplish its general object and purposes. U. S. *v.* Antikamnia Co., 231 U. S. 654, 665, 666; Frank *v.* U. S. (6 C. C. A.) 192 Fed. 866, 869–70. All the words and terms used therein should be given their proper and usual signification and effect. U. S. *v.* Lexington Mill Co., 232 U. S., 399, 409–10. The courts take judicial notice of the usual meaning and definition of familiar words. Nix *v.* Hedden, 149 U. S. 304. As regards misbranding, Mr. Justice Day, in U. S. *v.* Lexington Mill Co., *supra*, says: 'The legislation, as against misbranding, intended to make it possible that the consumer should know that an article purchased was what it purported to be; that it might be bought for what it really was and not upon misrepresentations as to character and quality.' In U. S. *v.* Antikamnia Co., *supra*, 231 U. S. 654, Mr. Justice McKenna, at p. 665, says: 'The purpose of the act is to secure the purity of food and drugs and to inform purchasers of what they are buying. Its provisions are directed to that purpose and must be construed to effect it.' Numerous Circuit Court of Appeals and District Court cases have been decided, declaring the same rules and emphasizing more particularly that the prohibition of misbranding is designed to prevent deceiving or misleading the purchasing public, even though the article sold is in itself equally good or not injurious to health. See Brina *v.* U. S. (2 C. C. A.) 179 Fed. 373; Frank *v.* U. S. (6 C. C. A.) 192 Fed. 866, 869–70; U. S. *v.* Tepee Apples (D. C.) 179 Fed. 985; U. S. *v.* Scanlon (D. C.) 180 Fed. 485; U. S. *v.* 10 Barrels of Vinegar (D. C.) 186 Fed. 399; U. S. *v.* 100 Barrels of Vinegar (D. C.) 186 Fed. 471. The decisions of State courts under pure food laws of similar character, are to the same effect. See People *v.* Girard, 145 N. Y. 105; People *v.* Niagara Fruit Co., 77 N. Y. S. 806, affirmed, 173 N. Y. 629; People *v.* Douglas Packing Co., 194 N. Y. S. 633. Such, in brief outline, are the rules of law applicable to this controversy.

"Claimant's label does, in my opinion, tend to mislead and deceive the ordinary purchaser and user of vinegar. Cider is defined by Webster as 'the expressed juice of apples.' By the word 'expressed' is meant expelled or forced out. From time immemorial apple cider has been understood to mean the expressed juice of fresh apples and not of dried apples. Apple vinegar or apple cider vinegar likewise in the popular mind has from time immemorial been understood as meaning vinegar produced from apple cider thus defined.

Claimant's label conveys the impression that this vinegar is made from that kind of apple cider and that this apple cider is made in the common and familiar way from fresh or undried apples. The mere fact that the words 'apple cider' and 'selected apples' are brought together in the same label, conveys unmistakably this impression and repels any other or different impression. Apple cider is a well-known product. Apples are a well-known fruit. Cider means nothing else to the ordinary mind than the expressed juice of fresh and undried apples. Apples mean nothing else to the ordinary mind than fresh and unevaporated apples. A merchant who advertises and offers apples for sale could not compel a purchaser to accept dried or evaporated apples. The latter are not apples as that word is understood in the trade or by a person of ordinary intelligence, but are a manufactured product, an entirely different article. Nor, in my opinion, could a merchant who offers apple cider for sale, compel a purchaser to accept a liquid made from evaporated apples in the manner above described, even though it does possess substantially the same chemical constituents and has substantially the same taste as the expressed juice of fresh apples. Claimant's label consequently misleads and deceives. It makes a statement with respect to an article of food which conveys the false notion that this article is vinegar made from the expressed juice of fresh apples.

"Claimant earnestly contends that its product is vinegar because it conforms to the chemical tests prescribed for vinegar by circulars of the United States Department of Agriculture Nos. 13, 17, 19, and 136. It also contends that it is made from apple cider because apple cider is only the juice of apples, and that its process first merely extracts the surplus water, and later restores it, and hence the resulting liquid obtained by pressure is apple juice or apple cider, even if it is not the expressed juice of fresh apples. This being so, it further contends that the Board of Food & Drugs Inspection provided by the Pure Food & Drug [Food and Drugs] Act, have no power under the law to declare, as it did, by Food Inspection Decision 140, that vinegar made from dried or evaporated apples is not entitled to be called vinegar without further designation. It may be admitted that this board has no power to add to or take from the law. It does not, however, follow that the claimant's label is true and does not tend to mislead or deceive, or that what the Government is complaining of is not misbranding but a process of making apple cider and apple cider vinegar. Claimant's argument overlooks certain material and controlling considerations. One is that apple cider as defined in the dictionaries and as commonly and popularly understood, is the expressed juice of fresh apples, and that apple vinegar is commonly and popularly understood to be produced by the alcoholic and acetic fermentation of that kind of cider. Another is that the law was designed to prevent the ordinary purchaser from being deceived and misled as to what he is buying, and that therefore the test of misbranding is the effect of the label or statement upon the ordinary purchaser. A statement that an article is apple cider vinegar made from selected apples, can convey no other idea to such a person in the present state of common knowledge than that the vinegar is made from the expressed juice of fresh apples and not by the manipulation of dried or evaporated apples. If it does, and the ordinary purchaser is or may be thereby misled or deceived, it is no answer to say that he gets a vinegar which is equally good. The object of the law is to let the purchaser know just what he is buying and to let him decide whether he wants it or not. One may not take advantage of his prejudices or want of information to sell him something different from what he thinks he is buying.

"Several authorities have been cited which, while involving facts somewhat different, tend to support my conclusion. Claimant's label was under consideration recently in People *v.* Douglas Packing Co., 194 N. Y. S. 633. The decision was upon demurrer and is not a final adjudication of any point in controversy, but the reasoning of the opinion impresses me as sound. The New York statute defines cider vinegar and apple vinegar as a product made exclusively from the pressed juice of apples, by alcoholic and subsequent acetic fermentation. These terms, it is said, should be taken in their ordinary and familiar meaning. It is further said: 'The statutory definition of "cider vinegar" and "apple vinegar" means by this test vinegar made from apple cider. Even if those terms had been undefined in the statute, they nevertheless would have had in the popular mind a well-defined meaning, in that apple cider is known in every household, and cider vinegar is known to be made from it, though the chemical processes by which the one becomes the other are generally unknown. Other vinegars may be perfectly harmless, chemically undistinguishable, it may be, but calculated to deceive, if marketed under a false label.

The popular notion of cider vinegar and the ordinary and obvious meaning attached to the words, exclude the notion of making this common article of domestic use from cider pressed from dried apples. The statute is designed to enable consumers to get what they believe they are getting under the labels "cider vinegar" and "apple vinegar."' In U. S. v. 100 cases of Tepee apples, McPherson, District Judge, held that canned Arkansas apples and blackberries were misbranded because the label on the cans gave Michigan cities as the place of manufacture, thereby conveying the misleading impression that the apples and blackberries were Michigan fruit. It was contended that Michigan apples and blackberries were superior in quality to the Arkansas fruit, but this consideration was disregarded as immaterial, Judge McPherson saying: 'The other purpose (of the law) was to enable a purchaser to obtain what he called for and was willing to pay for. And under this latter view, it is immaterial whether Michigan fruits are better than those grown in Arkansas. A purchaser of canned goods may prefer Michigan fruits. He may believe them to be better than Arkansas fruits. He has the right to call for them, and when he pays or is debited for them, he has the right to have Michigan fruits. The purchaser has the right to determine for himself which he will buy and which he will receive and which he will eat. The vendor cannot determine that for the purchaser. He, of course, can make his arguments, but they should be fair and honest arguments.' In Brina *v.* U. S. (2 C. C. A.) 179 Fed. 373, cotton seed oil was labeled in large Italian letters 'oil for salad' and in small English letters 'cotton salad oil extra quality'; and this was held to be misbranded. The trial judge, without evidence, charged the jury that 'as a notorious fact salad oil prima facie means olive oil' and that misbranding resulted, unless evidence was produced to show a different meaning in the trade. This ruling was assigned as error. In the opinion of the Circuit Court of Appeals it is pointed out that salad oil is defined as olive oil in Worcester's, Stormont's Imperial, Encyclopedia, and Century dictionaries, and that no error was committed in thus charging. Compare U. S. *v.* 10 Barrels of Vinegar (D. C.) 186 Fed. 399; U. S. *v.* Scanlon, 180 Fed. 485; Frank *v.* U. S. (6 C. C. A.) 192 Fed. 866, 869–70.

"Upon authority as well as upon principle, it must be held that the charge of misbranding is sustained. The label does bear statements regarding the article and the ingredients or substances thereof which are false and misleading, and the vinegar must be held to be offered for sale under the distinctive name of another article as that name is popularly and commonly understood. Judgment of forfeiture and condemnation will be entered."

A decree of condemnation and forfeiture was thereupon entered, based on the finding of the court that the product was misbranded but that the adulteration charge was unsupported, and it was ordered by the court that the product should be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act. A motion by the claimant to set aside the finding, judgment, and order of forfeiture and condemnation and for a new trial was made and was refused, to which ruling the claimant excepted.

On February 6, 1923, the claimant having perfected an appeal, the case came up before the Circuit Court of Appeals for the Sixth Circuit on a writ of error. The case was heard by the Circuit Court of Appeals, which on April 3, 1923, handed down a judgment reversing the finding of the district court, as will more fully and at large appear from the following opinion (Donahue, *C. J.*):

"The United States files a libel in the District Court for the seizure and condemnation of ninety-five barrels of alleged apple cider vinegar, labeled 'Excelsior Brand Apple Cider Vinegar made from Selected Apples,' charging that this vinegar is both adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906. The Douglas Packing Company, the manufacturer and owner of this vinegar, intervened and denied that it was either adulterated or misbranded and asked restitution.

"A written waiver of trial by jury was filed, and the case was submitted to the court upon an agreed statement of facts. The trial court found that the vinegar was not adulterated, but was misbranded in violation of general paragraph of section 8, and sub-paragraphs 1, 2 and 4 as to foods of section 8 of the Food and Drugs Act of June 30, 1906, as charged in said libel and ordered its condemnation and forfeiture as provided by that Act.

"It appears from the agreed statement of fact that claimant, the Douglas Packing Company, is engaged in the manufacture of apple cider and apple cider vinegar; that during the apple season, from about September 25th to December 15th of each year, sound, mature, unevaporated apples are used by it in the manufacture of its products, and for the balance of the year evaporated apples of like quality are used.

"The principal result of the evaporation process is the removal of 80% of the water contained in the natural fruit. While it is not admitted that there are no other constituents of the apple removed by this process, yet it is admitted, in effect, that if any other constituents are removed by evaporation, the amount thereof is so negligible that the science of chemistry is unable to determine that fact. When the apple season is over and the evaporated apples are used by the claimant, in the manufacture of its products, substantially the same amount of pure water is added to the evaporated apples that was removed by the evaporating process. In all other respects the claimant employs the same receptacles, equipment and process as in the manufacture from the unevaporated apple.

"In the evaporating process small quantities of sulphur fumes are used to prevent rot, fermentation, and decomposition. This is wholly removed therefrom by the addition of barium carbonate, or some other chemical that eliminates itself and the sulphur compound by precipitation. After fining (clarifying) and filtration the cider or liquid obtained from the evaporated apple, upon chemical analysis will give results similar to those obtained by chemical analysis of apple cider made from unevaporated apples, except a trace of barium,—in other words, an amount too small to be quantitatively measured. No claim is made that this trace of barium renders the product injurious or deleterious to health, and, except for this trace of barium, the vinegar made from this cider or liquid obtained from the evaporated apple is similar in taste and composition to the vinegar made from the cider of the unevaporated apples.

"It was evidently the purpose and intent of the Government and the claimant, in subscribing to the agreed statement of facts, to eliminate from consideration all unimportant matters and confine the issues to important basic questions affecting the substantial rights of the parties. These issues must be determined solely upon consideration of the facts admitted, regardless of the possibility that facts might have been established by evidence, at variance therewith and more in harmony with a supposed public opinion upon this subject.

"The libel charges that this vinegar is adulterated in violation of paragraphs 1 and 2, under Food, of section 7 of the Food and Drug[s] Act of June 30, 1906, which paragraphs read as follows: '1. If any substance has been mixed and placed with it so as to reduce or lower or injuriously affect its quality or strength. 2. If any substance has been substituted wholly or in part for the article.'

"It is clear that this trace of barium, which is admitted to be neither injurious or deleterious, does not constitute adulteration within the meaning of either of the paragraphs of section 7 of the Food and Drug[s] Act above quoted U. S. *v.* Lexington Mill and Elevator Co., 232 U. S. 399.

"The question whether some other substance has been substituted wholly or in part for the article known as 'apple cider vinegar' in violation of the second paragraph of this section will be considered and discussed in connection with the charge of misbranding.

"It is insisted, however, upon the part of the Government that the barrels are also labeled 'Guaranteed to comply with all Pure Food Laws'; that this means not only the Federal Food and Drug[s] Act, but also the pure food laws of the State where this vinegar is intended to be sold at retail, after it passes beyond the jurisdiction of the Federal authorities. The libel, however, is based solely upon the adulteration and misbranding of this vinegar in violation of the Federal Food and Drug[s] Act. While it is alleged that the vinegar was shipped from Fairport, N. Y., to Fisher Brothers, Cleveland, Ohio, there is no allegation that the vinegar is to be sold in the State of Ohio or that it is adulterated or misbranded in violation of the Ohio Statutes, nor is there anything in the agreed statement of facts in reference to its final destination and place of sale at retail.

"If, however, it were conceded that this libel could be construed as charging that this vinegar is adulterated or misbranded in violation of the terms and provisions of the Ohio law, the same result must follow. Substantially the

same questions are presented under the Ohio Statute (sec. 5789, G. C.) in reference to misbranding, as are presented under the Federal Food and Drug[s] Act, which questions will be discussed later in this opinion. Upon the question of adulteration under the Ohio law, no claim is made that this vinegar contains less than 4% by weight of absolute acetic acid, nor is a mere trace of barium, which is neither deleterious or injurious to health, a 'foreign substance' within the contemplation, intent, or purpose of sec. 5786 of the General Code of Ohio. U. S. *v.* Lexington Mill and Elevator Co., *supra.*

"Section 8 of the Food and Drug[s] Act provides, among other things, that, in a case of foods, an article shall be deemed to be misbranded if it be labeled or branded so as to deceive or mislead the purchaser, or it be an imitation of, or offered for sale under the distinctive name of another article.

"The important question in each case is whether the product is the identical thing that its brand indicates. If it is the identical thing indicated by the brand, the method of its manufacture, regardless of the information of the general public upon that subject, is wholly unimportant.

"It appears from the agreed statement of facts that the cider from which this vinegar was made was manufactured from apples and from nothing else. The process of its manufacture differed from the usual method only in so far as necessary to preserve the fruit. This was accomplished by the evaporation process above described. When a quantity of water equal to the amount evaporated is added to the evaporated apples and pressed therefrom it combines with and carries the solvent properties of the apples just the same as in the original state, or if not exactly and identically the same, so near as to defy the science of chemistry to discover the difference. This is the full scope and effect of the dehydrating process as appears by the agreed statement of fact.

"The conservation of our food products is of some concern to the public and, perhaps, second in importance only to the demand for pure and unadulterated food. It is perfectly apparent that the apple season is altogether too short for the economical manufacturing of the crop, during the season, into cider vinegar in sufficient quantities for public consumption. Therefore an efficient and harmless method of preserving the fruit until it can be used for this purpose is in the direct interest of the public, and if this method has accomplished that object without change in the product, it should be encouraged rather than condemned.

"If, after cider has been pressed from unevaporated apples, a large amount of the water that is a constituent part thereof, is evaporated therefrom and later an equal amount of water is added thereto, the constituent elements of cider yet remains and it would hardly be contended that vinegar made therefrom would not be apple cider vinegar, yet so far as the agreed statement of facts discloses, there is substantially no difference between the evaporation of water from the cider and evaporating the water from the apple before the cider is pressed therefrom. The water is not all evaporated, leaving only a hard dried fruit, as may approximately result from sun drying; 20% of the water remains and this continues to be the condensed juice of the fruit ready for restoration by pure water dilution to its original volume. This was the underlying idea of the Allen patent, No. 268972, for a dry mince pie compound, in which it appears that the water was evaporated from the apple for the purpose, as stated by the patentee, 'so that I have the cider in my compound without useless water, which may be added when the consumer wishes to use it.' Dougherty *v.* Doyle, 63 Fed. 475.

"It must also be assumed that legislation upon any subject has some definite and substantial object in view, and is not in furtherance of technical purposes or barren idealities. It was declared by the Supreme Court in U. S. *v.* Lexington Mill and Elevator Co., 232 U. S. 399, that the primary purpose of Congress in enacting the Food and Drug[s] Act of 1906 was to prevent injury to the public health by the sale and transportation in interstate commerce of misbranded and adulterated food. That case involved the manufacture of flour by a new process, called the 'Alsop process,' and while the charge there was adulteration, by adding to articles of food consumption, poisonous and deleterious substances, a much more serious matter than misbranding, yet the court held that in order to condemn a food product upon the ground that it is adulterated, it is incumbent upon the Government to establish the fact that the added substances may render the article injurious to health. This conclusion was reached evidently upon the theory that the legislative

intent was to accomplish a substantial and beneficial result to the public and not merely for the purpose of exercising an arbitrary control over private business.

"It is undoubtedly true that vinegar not made from apple cider, even though chemically equal to cider vinegar, may not be branded as such. On the other hand, vinegar made from apple cider is not misbranded by reason of its failure to meet the chemical test.

"Misbranding is included in the statutory prohibition because it bears some relation to the conservation of the public health and not primarily because a purchaser's whims were to be protected; and, though doubtless the test of misbranding a product is whether it is true to name, there is no occasion for overstrictness in applying this test in a case where the public health cannot possibly be jeopardized.

"In the Standard Encyclopedia, under the caption, "Cider," it is said, 'Apples commonly used for making cider are by no means tempting to the palate and are, in fact, unfit for eating raw or ordinary cooking. * * * In the United States it is considered that a certain proportion of decay in fruit improves the flavor.' Keeping in mind the underlying purpose to protect the public health and the admissions in this case that the present article is made wholly from 'sound and mature apples, free from rot and ferment,' it is clear that condemnation should not be made unless the statute imperatively requires it.

"Definitions of cider, which include the method or process of its manufacture, written long before public needs required the conservation of our food products, are not helpful to the determination of the question presented in the instant case. Even these definitions call only for the juice of apples, and do not literally exclude the pressing of apples dehydrated and later hydrated in equivalent proportions. The missing and essential element for the Government's case is found only in the supposed judicial knowledge that the popular definitions have reference only to fresh apples. Such knowledge was declared in the court below, and the judgment based thereon. The danger of reliance on judicial knowledge founded on past impressions is well illustrated by the salad-oil cases. The very branding which the court, in Brina *v.* U. S., 179 Fed. 373, said it judicially knew was so untrue as to compel the conclusion of misbranding, two years later, was shown to the same court in VonBremen *v.* U. S., 192 Fed. 904, to be so true as to require an instructed verdict for the respondent. In the present case it is conceded that this identical product has been sold and accepted by the trade under this name, in great quantities for many years and without challenge until now. While there is nothing in the agreed statement of facts to show how far this acceptance has been with knowledge, yet the court cannot judicially know that this acceptance was so wholly without knowledge of the facts as to be unimportant.

"It is not seriously contended on the part of the Government that the fluid obtained from pressing the evaporated apples, after the water taken therefrom has been restored, is not apple cider. It is suggested that possibly there is some constituent element of the apple removed by the dehydrating process that is never restored thereto. There is no proof of that fact, but there is an admission that even if such constituent element is removed it is so immaterial and inconsequential in quantity, that the science of chemistry can not disclose it. This brings this case clearly within the doctrine announced in U. S. *v.* Lexington Mill and Elevator Co., *supra*, to the effect that the burden is upon the Government to establish by the evidence, not merely a technical, but a substantial violation of the Federal Food and Drug[s] Act, which may render the article injurious to health or mislead the public to its prejudice or harm or induce the purchase of a different article than the article desired.

"Nor should the fact be overlooked that this is a highly penal statute. The Government in this proceeding is asking the condemnation and forfeiture of ninety-five barrels of vinegar because it is adulterated and misbranded and the burden is upon the Government to establish one or both of these alleged facts.

"While the Government is practically conceding in the agreed statement of facts, that the liquid obtained from evaporated apples by this method, is apple cider, identical in taste, substance and chemical test with apple cider pressed from the unevaporated apples, except that there may, perhaps, be some constituent element lacking, the quantity, if any, being so small that its absence is not shown by chemical test, and further conceding that the same has been sold upon the market for many years as apple cider, and that vinegar made

therefrom has been an article of commerce, at least since January 1, 1906, under the name and brand of apple cider vinegar and sold in quantities by this one manufacturer alone, aggregating 100,000 barrels a year; nevertheless, it is now insisting that the branding of this product as apple cider vinegar, is calculated to deceive and mislead the purchaser into buying an article other than the brand implies.

"It may be true that a large part of the purchasing public has no knowledge whatever in reference to the manufacture of cider from evaporated apples and for that reason might have a distinct prejudice against such a method of manufacture. Undoubtedly the Pure Food and Drug[s] Act contemplates the protection of the public in this regard, but only to the extent that the public shall not be deceived or misled by the brand into buying an imitation of the article or a substitute for the article indicated by the brand. If, however, it is, in truth and in fact, buying the identical article indicated by the brand, manufactured from the same basic elements and none other, the purpose of the statute is accomplished, and the process of manufacture is of no importance.

"A substantial, if not an exact analogy, may be found in the manufacture of maple syrup. The water is partially evaporated from the sap of a maple tree in order to produce maple syrup. If the evaporation process is continued until sufficient of the water is evaporated, the product is maple sugar. If to this sugar there is added as much water as was evaporated therefrom in the process of reducing maple syrup to maple sugar, and the sugar is dissolved and held in solution, the product again becomes maple syrup. It has been held by the Pure Food Department (Circular 136) that maple syrup manufactured in this way may be properly branded 'Maple Syrup.'

"Yet, notwithstanding such syrup responds to the chemical tests, a doubt might be suggested that possibly a constituent element was removed from the maple syrup in the process of reducing it to maple sugar that could not be wholly restored thereto. It is also possible that there might be a popular prejudice against maple syrup manufactured in this way, yet it would hardly be contended that Congress is expending its time in the enactment of laws in furtherance of perpetuating prejudices founded upon mistake and misunderstanding and at war with the conceded facts of the case.

"Another illustration may test the soundness of the proposition that there is a misbranding of this vinegar. Cream is a substance which, by the unaided process of nature, rises to the top of milk. A generation or two ago this would have been the popular definition. The process of its development was well known and required, at the least, some hours of time and favorable conditions. Then it was discovered that the butterfat can be separated from the milk in a few minutes, by a centrifugal separator, and that the product is really cream; yet it is at least probable that for some time a substantial part of the public would have refused to buy butterfat in this form unless it had been labeled 'cream' and without disclosing the substitution of artificial for natural methods. So the catalogue of present-day foods and those that may fairly be developed, will disclose frequent instances of great change in methods of manufacture, or treatment, without any resulting necessity of changing the name of the product.

"We get no controlling direction from the decided cases. The salad-oil cases have been mentioned. In the vinegar case, 186 Fed. 399, the product was in fact distilled vinegar with a dash of apple cider. It was labeled as a blend of cider vinegar and distilled vinegar. From the view that the court took of the meaning of the label, the misbranding was obvious.

"In the Tee Pee Apple case, 179 Fed. 185, the label was considered to mean that the apples were grown in Michigan, and this became a geographical misrepresentation expressly forbidden by the Act.

"We do not overlook that the New York Supreme Court and the United States District Court for the Eastern District of Wisconsin have held that claimant's vinegar is misbranded. In each case the opinion seems to be based in part upon inferences and testimony not presented by this record and in part upon judicial knowledge that nothing is apple cider unless it is pressed from fresh apples—an inference wholly inconsistent with the facts here conceded.

"For the reasons above stated a majority of the court is of the opinion that the judgment of the district court is not sustained by the agreed statement of facts. The judgment is reversed and cause remanded for further proceedings in accordance with this opinion."

On May 15, 1922, the Government filed a petition for rehearing in the Circuit Court of Appeals, which petition was denied.

The Government thereupon filed a petition for writ of certiorari to the Supreme Court of the United States, which writ of certiorari issued from the Supreme Court during the October term, 1923.

Thereafter the case was heard by the Supreme Court, and on June 2, 1924, the following opinion was handed down, reversing the judgment of the Circuit Court of Appeals and affirming the judgment of the District Court for the Northern District of Ohio, which sustained the contention of the Government on the misbranding charge (Butler, *Justice of Supreme Court*) :

"This case arises under the Food and Drugs Act of June 30, 1906, c. 3915, 34 Stat. 768. The United States filed information in the District Court for the Northern District of Ohio, Eastern Division, for the condemnation of 95 barrels of vinegar. Every barrel seized was labeled: 'Douglas Packing Company Excelsior Brand Apple Cider Vinegar made from Selected Apples Reduced to 4 Percentum Rochester, N. Y.'

"The information alleged that the vinegar was adulterated, in violation of sec. 7 of the Act. It also alleged that the vinegar was made from dried or evaporated apples, and was misbranded in violation of sec. 8, in that the statements on the label were false and misleading, and in that it was an imitation of and offered for sale under the distinctive name of another article, namely apple cider vinegar.

"The Douglas Packing Company appeared as claimant, and by its answer admitted that the vinegar was labeled as alleged, and that evaporated apples had been used in its manufacture. It averred that nevertheless it was pure cider vinegar and denied adulteration and misbranding. A jury was waived, and the case was submitted on the pleadings and an agreed statement of facts. The court found that the charge of adulteration was not sustained, but held that the vinegar was misbranded. Claimant appealed, and the Circuit Court of Appeals reversed the judgment. 289 Fed. 181. Certiorari was allowed. 263 U. S. 695.

"The question for decision is whether the vinegar was misbranded.

"The substance of the agreed statement of facts may be set forth briefly. Claimant is engaged in the manufacture of food products from evaporated and unevaporated apples. During the apple season, from about September 25 to December 15, it makes apple cider and apple cider vinegar from fresh or unevaporated apples. During the balance of the year, it makes products which it designates as 'apple cider' and 'apple cider vinegar' from evaporated apples. The most approved process for dehydrating apples is used, and, in applying it, small quantities of sulphur fumes are employed to prevent rot, fermentation, and consequent discoloration. The principal result of dehydration is the removal of about 80 per cent of the water. Whether, and to what extent, any other constituents of the apple are removed is not beyond controversy; in the present state of chemical science, no accepted test or method of analysis is provided for the making of such determination. Only mature fruit, free from rot and ferment, can be used economically and advantageously.

"In manufacturing, claimant places in a receptacle a quantity of evaporated apples to which an amount of pure water substantially equivalent to that removed in the evaporating process has been added. A heavy weight is placed on top of the apples and a stream of water is introduced at the top of the receptacle through a pipe and is applied until the liquid, released through a vent at the bottom, has carried off in solution such of the constituents of the evaporated apples as are soluble in cold water and useful in the manufacture of vinegar. Such liquid, which is substantially equivalent in quantity to that which would have been obtained had unevaporated apples been used, carries a small and entirely harmless quantity of sulphur dioxide, which is removed during the process of fining and filtration by the addition of barium carbonate or some other proper chemical agent. The liquid is then subjected to alcoholic and subsequent acetic fermentation in the same manner as that followed by the manufacturer of apple cider vinegar made from the liquid content of unevaporated apples. Claimant employs the same receptacles, equipment and process of manufacturing for evaporated as for unevaporated apples, except that in the case of evaporated apples, pure water

is added as above described, and in the process of fining and filtration, an additional chemical is used to precipitate any sulphur compounds present and resulting from dehydration.

"The resulting liquid, upon chemical analysis, gives results similar to those obtained from an analysis of apple cider made from unevaporated apples, except that it contains a trace of barium incident to the process of manufacture.

Vinegar so made is similar in taste and in composition to the vinegar made from unevaporated apples, except that the vinegar made from evaporated apples contains a trace of barium incident to the process of manufacture. There is no claim by libellant that this trace of barium renders it deleterious or injurious to health. It was conceded that the vinegar involved in these proceedings was vinegar made from dried or evaporated apples by substantially the process above described. There is no claim by the libellant that the vinegar was inferior to that made from fresh or unevaporated apples.

"Since 1906 claimant has sold throughout the United States its product, manufactured from unevaporated as well as from evaporated apples, as 'apple cider' and 'apple cider vinegar,' selling its vinegar under the brand above quoted or under the brand 'Sun Bright Brand apple cider vinegar made from selected apples.' Its output of vinegar is about 100,000 barrels a year. Before and since the passage of the Food and Drugs Act, vinegar in large quantities, and to a certain extent a beverage, made from evaporated apples, were sold in various parts of the United States as 'apple cider vinegar' and 'apple cider,' respectively, by many manufacturers. Claimant, in manufacturing and selling such products so labeled, acted in good faith. The Department of Agriculture has never sanctioned this labeling, and its attitude with reference thereto is evidenced by the definition of 'apple cider vinegar' set forth in Circulars 13, 17, 19, and 136, and Food Inspection Decision 140.[1] It is stipulated that the juice of unevaporated apples when subjected to alcoholic and subsequent acetous fermentation is entitled to the name 'apple cider vinegar.'

"Section 6 of the Act provides that, '* * * The term "food," as used herein, shall include all articles used for food, drink, confectionary, or condiment by man or other animals, whether simple, mixed, or compound.' Section 8 provides, 'That the term "misbranded," as used herein, shall apply to all * * * articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, * * * That for the purposes of this Act an article shall also be deemed to be misbranded: * * * In the case of food: First. If it be an imitation of or offered for sale under the distinctive name of another article. Second. If it be labeled or branded so as to deceive or mislead the purchaser, * * * Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which * * * shall be false or misleading in any particular. * * *"

"The statute is plain and direct. Its comprehensive terms condemn every statement, design, and device which may mislead or deceive. Deception may result from the use of statements not technically false or which may be literally true. The aim of the statute is to prevent that resulting from indirection and ambiguity, as well as from statements which are false. It is not difficult to choose statements, designs, and devices which will not deceive. Those which are ambiguous and liable to mislead should be read favorably to the accomplishment of the purpose of the act. The statute applies to food, and the ingredients and substances contained therein. It was enacted to enable purchasers to buy food for what it really is. United States *v.* Schider, 246 U. S 519, 522; United States *v.* Lexington Mill Co., 232 U. S. 399, 409; United States *v.* Antikamnia Co., 231 U. S. 654, 665.

"The vinegar made from dried apples was not the same as that which would have been produced from the apples without dehydration. The dehydration took from them about 80 per cent of their water content—an amount in excess of two-thirds of the total of their constituent elements. The substance removed was a part of their juice from which cider and vinegar would have been made if the apples had been used in their natural state. That element was not replaced. The substance extracted from dried apples is different

[1] The definition referred to is, "Vinegar, cider vinegar, apple vinegar, is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples."

from the pressed-out juice of apples. Samples of cider fermented and unfermented made from fresh and evaporated apples, and vinegar made from both kinds of cider were submitted to and examined by the District Judge who tried the case. He found that there were slight differences in appearance and taste, but that all had the appearance and taste of cider and vinegar. While the vinegar in question made from dried apples was like or similar to that which would have been produced by the use of fresh apples, it was not the identical product. The added water, constituting an element amounting to more than one-half of the total of all ingredients of the vinegar, never was a constituent element or part of the apples. The use of dried apples necessarily results in a different product.

"If an article is not the identical thing that the brand indicates it to be, it is misbranded. The vinegar in question was not the identical thing that the statement, 'Excelsior Brand Apple Cider Vinegar made from selected apples,' indicated it to be. These words are to be considered in view of the admitted facts and others of which the court may take judicial notice. The words 'Excelsior Brand,' calculated to give the impression of superiority, may be put to one side as not liable to mislead. But the words, 'apple cider vinegar made from selected apples,' are misleading. Apple cider vinegar is made from apple cider. Cider is the expressed juice of apples and is so popularly and generally known. See Eureka Vinegar Co. *v.* Gazette Printing Co., 35 Fed. 570; Hildick Apple Juice Co. *v.* Williams, 269 Fed. 184; Monroe Cider, Vinegar & Fruit Co. *v.* Riordan, 280 Fed. 624, 626; Sterling Cider C. *v.* Casey, 285 Fed. 885; affirmed 294 Fed. 426. It was stipulated that the juice of unevaporated apples when subjected to alcoholic and subsequent acetous fermentation is entitled to the name 'apple cider vinegar.' The vinegar in question was not the same as if made from apples without dehydration. The name 'apple cider vinegar' included in the brand did not represent the article to be what it really was; and, in effect, did represent it to be what it was not—vinegar made from fresh or unevaporated apples. The words 'made from selected apples,' indicate that the apples used were chosen with special regard to their fitness for the purpose of making apple cider vinegar. They give no hint that the vinegar was made from dried apples, or that the larger part of the moisture content of the apples was eliminated and water substituted therefor. As used on the label, they aid the misrepresentation made by the words 'apple cider vinegar.'

"The misrepresentation was in respect of the vinegar itself, and did not relate to the method of production merely. When considered independently of the product, the method of manufacture is not material. The act requires no disclosure concerning it. And it makes no difference whether vinegar made from dried apples is or is not inferior to apple cider vinegar.

"The label was misleading as to the vinegar, its substances, and ingredients. The facts admitted sustain the charge of misbranding.

"Judgment reversed."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12368. Adulteration and misbranding of flour. U. S. v. 240 Sacks, et al., of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18503. I. S. Nos. 16538–v, 16539–v, 16540–v, 16542–v, 16543–v. S. No. E–4781.)

On March 25, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,570 sacks of flour remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Empire Mills Co. from Columbus, Ga., on or about February 20, 1924, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Sack) "Empire Mills Co., Old Sol Self Rising Flour * * * Columbus, Ga. 24 Lbs. When Packed" (or "12 Lbs. Net When Packed" or "6 Lbs. When Packed"). The remainder of the article was labeled in part: (Sack) "Empire Mills Co. Columbus, Ga. Beech Nut * * * Self Rising Flour * * * 12 Lbs. When Packed" (or "24 Lbs. When Packed").

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to

reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labels, "24 Lbs. When Packed," "12 Lbs. Net When Packed," "6 Lbs. When Packed," and "12 Lbs. When Packed," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 12, 1924, the Empire Mills Co., Columbus, Ga., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $1,189.30, in conformity with section 10 of the act, conditioned in part that the product be repacked in properly labeled containers.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12369. Adulteration of tomato catsup. U. S. v. 983 Cases and 150 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14131. I. S. No. 2321–t. S. No. C–2660.)

On January 5, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 983 cases, each containing 24 bottles, 10-ounce size, and 150 cases, each containing 6 gallon-size bottles of tomato catsup, at Decatur, Ill., alleging that the article had been shipped by the Paul De Laney Co., Brocton, N. Y., on or about September 22, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "American Maid Brand * * * Tomato * * * Catsup * * * Guaranteed by The Paul De Laney Co. Inc. Brocton, N. Y. U. S. A."

Adulteration of the article was alleged in the libel for the reason that the article consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 16, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12370. Misbranding of butter. U. S. v. Climax Dairy Co., a Corporation. Plea of guilty. Fine, $150 and costs. (F. & D. No. 17127. I. S. No. 7530–v.)

On April 6, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Climax Dairy Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 1, 1922, from the State of Colorado into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Elkhorn Fancy * * * Creamery Butter * * * The Casper Dairy Company Casper: Wyoming."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "The Casper Dairy Company Casper: Wyoming," borne on the labels affixed to the packages containing the article, regarding the said article, was false and misleading in that it represented that the said article was manufactured and produced by the Casper Dairy Co., Casper, Wyo., and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was manufactured and produced by the Casper Dairy Co., Casper, Wyo., whereas, in truth and in fact, it was not but was manufactured and produced by the Climax Dairy Co., Denver, Colo. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12371. Adulteration of shell eggs. U. S. v. Adolphus V. Britton (Fletcher Mercantile Co.). Plea of guilty. Fine, $50 and costs. (F. & D. No. 17926. I. S. No. 6935–v.)

On January 8, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolphus V. Britton, trading as the Fletcher Mercantile Co., Fletcher, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 5, 1923, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Fletcher Mercantile Company Fletcher, Oklahoma."

Examination by the Bureau of Chemistry of this department of the 1,080 eggs in the consignment showed that 373, or 34.5 per cent of those examined, were inedible eggs, consisting of mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On February 19, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12372. Misbranding of mustard salad dressing. U. S. v. 233 Cases of Mustard Saladressing. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18623. I. S. No. 16006–v. S. No. E–4824.)

On April 28, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 233 cases of mustard salad dressing remaining in the original unbroken packages at Philadelphia, Pa., consigned by Charles Gulden (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about November 28, 1923, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the jars containing the said article bore the following statements, "Gulden's Mustard Saladressing With Currie Charles Gulden Inc. New York Net Weight 10 Oz. Avd.," which statements were false and misleading in that they represented that the said jars contained 10 ounces net weight of the said article, when in fact they did not.

On May 26, 1924, Gulden & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12373. Adulteration of canned salmon. U. S. v. 100 Cases and 175 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D No. 17875. I. S. Nos. 4630–v, 4631–v. S. No. C–4233.)

On October 26, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 275 cases of salmon remaining unsold in the original packages in part at Humboldt, Tenn., and in part at Jackson, Tenn., alleging that the article had been shipped by the Sanitary Fish Co. from Anacortes, Wash., on or about August 28, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Double "Q." * * * Select Pink Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 3, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12374. Adulteration and misbranding of shell eggs. U. S. v. Frederick L. Gile, jr. (Maple Glen Farm). Plea of guilty. Fine, $10. (F. & D. No. 18462. I. S. No. 1955-v.)

On May 17, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick L. Gile, jr., trading as Maple Glen Farm, Saco, Me., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 1, 1923, from the State of Maine into the State of Massachusetts, of a quantity of shell eggs which were adulterated and misbranded. The article was labeled in part: "From Maple Glen Farm * * * Saco, Maine."

Examination of the article by the Bureau of Chemistry of this department showed that the product consisted of stale eggs.

Adulteration of the article was alleged in the information for the reason that stale eggs had been substituted in whole or in part for fresh eggs, which the said article purported to be.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article, to wit, fresh eggs.

On May 28, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12375. Misbranding of olive oil. U. S. v. 16 Cases of Olive Oil. Decree entered, adjudging product to be misbranded and ordering its release under bond to be relabeled. (F. & D. No. 16582. I. S. No. 14327-t. S. No. W-1126.)

On July 29, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of one-half gallon cans of olive oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by John D. Papadeas from New York, N. Y., in various consignments, on or about July 22, 1921, and January 19, April 13, and May 9, 1922, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Imported Olive Oil Finest * * * Quality JP Brand ½ Gal. Net Contents * * * John Papadeas Importer and Packer Calamata—New York."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "½ Gal. Net Contents," was false and misleading in that the net contents of the said cans was not one-half gallon. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1924, John Papadeas, Calamata and New York, having appeared as claimant for the property, judgment of the court was entered, finding the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act, and that it be relabeled so as to indicate the exact net contents.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12376. Adulteration and misbranding of mixed oats. U. S. v. 200 Sacks of Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18687. I. S. No. 18307-v. S. No. E-3929.)

On May 16, 1924, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of mixed oats remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by S. Zorn & Co., from Louisville, Ky., May 8, 1924, and transported

from the State of Kentucky into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Oats Other Grains Crescent Zorn Bleached Grain," the words "Other Grains" being inconspicuously placed on the sacks.

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Mixed Oats," was false and misleading and deceived and misled the purchaser and that the statement "Other Grains," did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 25, 1924, S. Zorn & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled "Bleached Crescent Grain Screenings."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12377. Adulteration and misbranding of mixed oats. U. S. v. 75 Sacks of Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18656. I. S. No. 18088–v. S. No. C–4375.)

On or about May 9, 1924, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 sacks of mixed oats at Malvern, Ark., alleging that the article had been shipped by John Wade & Sons from Memphis, Tenn., on or about April 30, 1924, and transported from the State of Tennessee into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wade's Star Mixed Oats Other * * * Grains * * * John Wade & Sons Inc. Memphis, Tenn." The words "Star Mixed Oats" were in heavy, large, black type, and the words "Other Grains" were in smaller light type placed inconspicuously.

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label "Mixed Oats" was false and misleading and deceived and misled the purchaser, in that the statement "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 22, 1924, the Eli Clevenger Co., Malvern, Ark., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned that the product be relabeled, "Wade's Star Screenings."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12378. Adulteration and misbranding of bleached grain. U. S. v. 160 Sacks of Bleached Grain. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18693. I. S. No. 18306–v. S. No. E–3933.)

On May 17, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of bleached grain remaining in the original unbroken packages at Carrollton, Ga., alleging that the article had been shipped by S. Zorn & Co. from Louisville, Ky., on or about May 7, 1924, and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "150 Pounds Bleached Crescent Grain Made By S. Zorn & Co Louisville, Ky. * * * Ingredients: Oats, Barley and Other Grains."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Ingredients Oats," appearing on the labels was false and misleading, and the words "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, "Bleached Crescents Ingredients Oats, Barley, and Other Grains," whereas, in truth and in fact, the article contained screenings bleached with sulphur dioxide.

On June 6, 1924, S. Zorn & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that the article be relabeled "Bleached Crescent Grain Screenings."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12379. Adulteration of canned salmon. U. S. v. 182 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13063. S. No. W–631.)

On July 1, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 182 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Brooklyn, N. Y., December 29, 1919, and transported from the State of New York into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hall's * * * Par-Valu Brand * * * Red Alaska Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 7, 1924, the Alitak Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $365, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the good portion delivered to the claimant, and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12380. Misbranding of meat meal. U. S. v. Howard R. Norton (Norton & Co.). Collateral of $50 forfeited. (F. & D. No. 18472. I. S. Nos. 732–v, 10591–v.)

At the April, 1924, term of the Supreme Court of the District of Columbia, holding a police court, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Howard R. Norton, trading as Norton & Co., Washington, D. C., alleging that on or about July 26, 1923, the said defendant did offer for sale and sell within the District of Columbia in violation of the food and drugs act a quantity of meat meal, and that on or about November 21, 1923, the said defendant did ship from the District of Columbia into the State of Maryland in violation of said act a quantity of meat meal, all of which was misbranded. A portion of the article was labeled in part: "100 Lbs Good Luck Meat Meal Guaranteed Analysis Protein 55%." The remainder of the said article was labeled in part: "100 Lbs High Grade Meat Meal Guaranteed Analysis Protein 55% * * * Manufactured by Norton & Co. Washington, D. C."

Analyses of a sample from each of the lots by the Bureau of Chemistry of this department showed that the said samples contained 52 per cent and 48.08 per cent, respectively, of crude protein.

Misbranding of the article was alleged in the information, for the reason that the statement, to wit, "Guaranteed Analysis Protein 55%," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement

represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas, in truth and in fact, it did contain less than 55 per cent of protein, the said lots containing approximately 52 per cent and 48.08 per cent of protein, respectively.

On June 9, 1924, the defendant having failed to enter an appearance, the $50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12381. (Supplement to Notice of Judgment 11442.) Adulteration of canned salmon. U. S. v. 1,974 Cases of Canned Salmon. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 14262. I. S. No. 10533–t. S. No. W–847.)

On March 13, 1924, the case involving the shipment of 1,974 cases of Hypatia brand pink salmon from the Territory of Alaska into the State of Washington, which had been remanded by the Circuit Court of Appeals for the Ninth Circuit to the United States District Court for the Western District of Washington, came on for retrial before the court and a jury. After the submission of evidence and arguments of counsel the court delivered the following instructions to the jury (Cushman, *D. J.*):

"The arguments in the case having been concluded, gentlemen of the jury, it is the Court's duty to instruct you regarding the law.

"The plaintiff has filed a libel in this case, seeking to have condemned this parcel of salmon. In that libel it is alleged that this parcel of salmon was shipped in interstate commerce and that it was an adulterated food. It is alleged in the libel that it consisted in whole or in part of filthy, decomposed animal substance. The claimant has denied that it was adulterated or that it consisted in whole or in part of filthy, decomposed, or putrid animal substance. These are the issues that you are to try. There is no dispute here, as I understand, regarding its having been transported in interstate commerce. You understand this case is here because of that allegation. If this had been a shipment wholly within the State of Washington, this court would not have been concerned with it, because no Federal law would have been involved.

"This law provides for the condemnation of adulterated foods, and adulteration is defined, in substance, that an article of food is adulterated when it consists, in whole or in part, of filthy, decomposed, or putrid animal substance making it unfit for food.

"There has been in this case much said, in argument and in the testimony, regarding decomposition. There has been evidence in this case that decomposition begins when life ends. Fish is not decomposed, within the meaning of this law, at that early stage. To be decomposed within the meaning of this law means more than the beginning of decomposition; it contemplates a state of decomposition making the article unfit for human food. It does not have to be so decomposed that it has disintegrated and passed to its original elements, because the statute says a decomposed animal substance. Well, when it is entirely decomposed and has passed into its original elements, it has ceased to be an animal substance. All works of man and all that lives eventually becomes so decomposed that it is broken up and separated and the atoms which once composed it mingle again with the earth or the air or the sea. It is not in this sense that the word 'decomposed' is used in this statute.

"The evidence in this case has taken a wide range. Counsel in their arguments have not been at all restricted. You understand that you are to pass upon the questions of fact in this case, including this question of the extent of decomposition and whether these samples and this lot of salmon, this parcel of salmon, is unfit for human food. Those are questions of fact for your sole determination, and if the Court in the course of its instructions or in the course of the trial has said anything touching the weight of evidence on these questions of fact, or stated any question of fact that is submitted to you for your determination, you should disregard any such statements of the Court, unless they agree with the conclusions reached by yourselves. On the other hand, so far as counsel in their arguments have stated what the law was, if they have stated the law to be different in any respect from what the Court instructs you, you will disregard their statements concerning the law and follow the instructions which the Court gives you regarding the law. As

examples of this, counsel for the plaintiff in his argument stated to you that this pure food law provided that butter should not be shipped in interstate commerce, that contained a greater percentage of water than that prescribed in the law, that that renders it adulterated. That is true, but it is a dangerous argument in this case. The pure food law has two main objects, that is, the fitness for food and to protect the public from fraud. Now, regarding the water in butter, that does not make butter unfit for food, but by injecting water into the butter a fraud may be worked on the buyer by selling him water and not butter. So far as this section of the law that is involved in this case is concerned, what the law is aiming at is to protect the public from unfit food. The counsel on the other side, in his argument, advised you that he thought the Court would instruct you that if there had been no negligence on the part of the packers of this salmon, that you should not condemn the salmon, if care had been used. Well, that is a dangerous argument in this case. You are not trying the men who packed this salmon, you are not trying the officers of the Bureau who are witnesses in this case or had something to do with instituting these proceedings; you are trying this article of food to determine whether it is so filthy, decomposed or putrid as to make it unfit for human food, and the evidence on that issue has taken, as I have told you, a wide range. The Court has permitted evidence to go in here regarding whether or not anyone had ever been made sick from eating tainted salmon and as to the condition of this salmon and this cannery where it was packed and the traps and their proximity to one another—evidence concerning those conditions was admitted; evidence was admitted regarding whether any complaints had come from consumers of this salmon; evidence was admitted regarding the situation in which persons who may have instituted this complaint were, as bearing on the question of whether the original complaint was begun because of unfitness of the food, or the salmon, or for some other reason. Now, all that evidence and other evidence that was admitted in the case was admitted to enable you to determine whether it was in fact fit for human food. You can understand that if taint in salmon—decomposition—rendered it deadly and that it was impossible to detect it except by reason of the fact that a person who ate it died, that you might reasonably conclude, on a smaller percentage, that that article was unfit for food than if the testimony showed that it was wholly inocuous and did not injure and was easily and readily detected when it was decomposed, when the state of decomposition existed.

"On the question of whether this salmon was fit for food, you are to understand this provision of the law that it is adulterated when it is filthy, decomposed, or putrid, making it unfit for food; that unfit for food means there just what you would ordinarily understand that expression to mean. When language is used in the statute—and this is a statute of the United States, a statute of Congress—when ordinary language is used in the statute, having no technical meaning, why, then it is to be interpreted by what men ordinarily understand by the expression. Now, 'unfit for food' does not mean that no one could be found so fastidious as to complain of it. On the other hand, it does not mean that it has to be so filthy or putrid that no one could be found who under any circumstances would eat it. It means what you would ordinarily understand by the expression 'unfit for food.'

"In this case there is evidence regarding the testing of this product, of this parcel of canned salmon. The Court instructs you that before you can find this parcel of salmon guilty, that there must be a fair preponderance of the evidence showing these disputed allegations in the libel, which I have outlined to you. Where the entire parcel of food—in this case salmon—is not tested, it is nevertheless necessary, before the verdict can be guilty, that a fair preponderance of the evidence show that the adulteration extends to the whole product. If the evidence on this point—the preponderance of the evidence—is with the claimant, or if it is evenly balanced so that it does not turn one way or the other, your verdict would be not guilty.

"There may be such a small percentage of adulteration in such a small number of samples as to fail to show adulteration of the entire product. On the other hand, there may be such a large percentage of adulteration shown as to show that the entire product was adulterated.

"I have pointed out to you that the main question for you to decide in the case was this question of adulteration, and I have told you that the evidence regarding the care taken in conditioning and canning this salmon was admitted not that you were to acquit the salmon if care had been taken, but that the

taking of care was one of the circumstances from which you would determine whether it was probably fit for human food. If it is adulterated within the meaning of this law, it does not make any difference how it happened, whether care was taken or care was not taken, whether it was caused by sabotage among employees, or in any other way. If it is adulterated, it should be condemned, and your verdict should be guilty if the evidence so shows.

"I have told you that the verdict should be guilty unless these allegations of the libel that I have pointed out have been shown to be true by a fair preponderance of the evidence. A preponderance of the evidence means the greater weight of evidence; that evidence preponderates which is of such a character and makes such an appeal to your intelligence and reason and your experience, as to create and induce a belief in your minds, and where there is a dispute in the evidence, that evidence preponderates which is so strong in these particulars as to create and induce a belief in your minds in spite of the opposing evidence and in spite of assaults made upon it by way of argument.

"You are in this case, as in every case where questions of fact are tried to a jury, the sole and exclusive judges of every fact in the case and of the weight of the evidence and the credibility of the witnesses. In weighing the evidence and measuring the credit of the witnesses who appeared before you and testified, the law does not undertake to say everything that you should take into account in measuring the credit of these witnesses, but it has been settled that certain things you should consider. You should give consideration to the appearance and conduct and demeanor of each witness who has come upon the stand and testified; whether the appearance and conduct and manner of that witness in giving his testimony was such as to inspire you with confidence and lead you to believe that the witness was trying to tell the exact truth, neither adding to it nor taking from it, or whether some witnesses may have been reluctant or evasive, contradictory, or hesitating in their testimony; whether others may have been too willing, possibly evidencing an inclination to get something into the case that had not been inquired about. You will also take into account the reasonableness of the testimony of each witness, by itself, in view of the circumstances, whether it appears reasonable and probable or whether it appears unlikely and unreasonable; whether the testimony of a witness agrees with his conduct; whether he has acted at the time of the transaction and since consistently with the testimony he has given; also take into account whether the testimony of a witness has been corroborated where you would expect it to be corroborated if it were true, or whether it has been contradicted by other creditable testimony.

"Where in the progress of the trial it develops that there are other witnesses or other testimony that could be produced to support the position taken by one side or the other, and the presence of that witness is not obtained or he is not brought here, and no explanation given for his absence, you have a right to conclude that that witness, if summoned, would not support the contention of the party that you would expect to bring that witness. You will also take into account, in measuring the credit of the witness, the situation in which he was placed as enabling you to know exactly what the facts were and exactly what took place, as one witness, by reason of his favorable situation and connection with the matters to which he testified, might have a great advantage in telling you exactly what the facts were, over another witness who was not so happily situated; also take into account the interest that any witness may have been shown to have in the case, an interest either shown by the manner by which the witness gave his testimony or as shown by his relation to the case."

Mr. McCord. "There is one other exception that I would like to call Your Honor's attention to, and that is based upon Judge Pollock's decision.

"I except to Your Honor's instruction that the claimant was not entitled to have a verdict for the release of these goods upon the showing that the cannery where they were packed was operated with the usual care and skill and judgment that the ordinarily prudent canneryman would exercise in the operation of his canning plant. In other words, as the law cannot be literally construed, must be given a reasonable interpretation, it is our contention that the reasonableness means that if the goods that are sought to be libeled are packed by an ordinarily prudent packer, who has reasonably complied with this law and has been guilty of no negligence, his goods ought not to be condemned, even though there may be a percentage of adulteration contained in them. I

base this exception very largely upon Judge Pollock's opinion in St. Louis, who took that view, as I understand it."

THE COURT. "No, it is the Court's view that the product should be reasonably fit for food. The jury is so instructed. If it is not reasonably fit for food, then it is unfit for food, and it is not a question of whether reasonable and ordinary care or extraordinary care, for that matter, was taken in putting it up. If it is decomposed within the meaning of this law as I have instructed the jury, in spite of extraordinary care, then the parcel should be condemned."

MR. MCCORD. "You will allow me an exception, Your Honor?"

THE COURT. "Exception allowed."

MR. SHACKELFORD. "If Your Honor please, I am not sure that the jury understands, when you refer to what is to be condemned, that they understand that it is what is still in existence, instead of the samples that were taken."

THE COURT. "The jury will so understand. If there is nothing further, is a sealed verdict agreed to?"

MR. MCCORD. "Yes sir, as far as we are concerned."

MR. HILL. "It is entirely satisfactory to the Government."

THE COURT. "This form of verdict, gentlemen of the jury, is just the one form: 'We, the jury in the above entitled cause, find the respondent 1,974 cases of canned salmon labeled in part Hypatia Brand pink salmon —— guilty as charged in the libel of information filed herein.' If, under the evidence and the instructions as to the law that have been given you, you find the respondent salmon to be guilty, you will write in that blank the word 'is.' If you find the salmon not guilty, you will write in that blank the word 'not,' and have your foreman sign it after you have completed it, and seal it up and report with your verdict here in court tomorrow morning at ten o'clock."

The jury then retired and after due deliberation returned a verdict for the Government.

On July 7, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, A. O. Anderson & Co., Seattle, Wash., upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the latter destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12382. Adulteration of canned salmon. U. S. v. 3,706 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17890. I. S. No. 12069–v. S. No. W–1433.)

On October 31, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3,706 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hetta Packing Co., from Coppermount, Alaska, September 28, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 7, 1924, the Hetta Packing Co., Coppermount, Alaska, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $7,500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, under the supervision of this department, the bad portion destroyed, and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12383. Adulteration and misbranding of colors. U. S. v. Louis Feldman and Irving Safferman (L. Feldman & Co.). Pleas of guilty. Fines, $400. (F. & D. No. 18346. I. S. Nos. 1568–v, 2682–v, 2683–v, 2768–v.)

On May 5, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis Feld-

man and Irving Safferman, copartners, trading as L. Feldman & Co., New York, N. Y., alleging shipment by said defendants in violation of the food and drugs act, in various consignments, namely, on or about October 2, 1922, from the State of New York into the State of Rhode Island, and on or about November 23, 1922, and February 3 and July 12, 1923, respectively, from the State of New York into the State of Pennsylvania, of quantities of colors which were adulterated and misbranded. The articles were labeled in part: "All The Colors Herein Contained Have Been Separately Certified To The U. S. Dept. Of Agriculture Under Lot Nos. 4293" (or "Lot Nos. 3559–2083," or "Lot Nos. 3800," or "Lot Nos. 4518") "Certified Pure Food Colors Three Star Brand Color Brilliant Yellow No. 7325" (or "Color Brilliant Orange," or "Color Raspberry Red") "L. Feldman & Co., 46 Fulton St., New York."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the said articles contained approximately 30 per cent, 45 per cent, 45 per cent, and 50 per cent of color, respectively, the remainder consisting of sugar or salt, as the case might be.

Adulteration of the articles was alleged in the information for the reason that substances, to wit, salt or sugar, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for the said articles.

Misbranding of the articles was alleged in substance in the information for the reason that the statements, to wit, "All the Colors Herein Contained Have Been Separately Certified to the U. S. Dept. of Agriculture under Lot Nos. 4293" or "Lot Nos. 3559–3083," or "Lot Nos. 3800," or "Lot Nos. 4518," as the case might be, "Certified Pure Food Colors," and "Brilliant Yellow No. 7825," "Brilliant Orange," "Raspberry Red," as the case might be, borne on the cans containing the respective articles, were false and misleading in that the said statements represented that the articles were pure food colors certified to the U. S. Department of Agriculture, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure food colors certified to the U. S. Department of Agriculture, whereas, in truth and in fact, they did not so consist but did consist of products composed in large part of sugar or salt.

On May 28, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of $400.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12384. Adulteration and misbranding of vinegar. U. S. v. De Luxe Products Co., a Corporation. Plea of nolo contendere. Fine, $100. (F. & D. No. 17068. I. S. Nos. 8374–t, 17209–t, 17211–t, 17251–t.)

On March 16, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the De Luxe Products Co., a corporation, Pittsburgh, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about September 22, October 6, October 17, and December 7, 1921, respectively, from the State of Pennsylvania into the State of West Virginia, of quantities of vinegar, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was contained in barrels labeled in part: "De Luxe Products Co. De Luxe Pure Cider Vinegar * * * Pittsburgh Pa." The remainder of the said article was contained in bottles, labeled in part: "De Luxe Brand Pure Cider Vinegar Made From Apple Juice * * * De Luxe Products Co. N. S. Pittsburgh, Pa. Contents 16 Fluid Ounces."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results: (Barreled vinegar, shipment of October 17, 1921) the product consisted of distilled vinegar colored with caramel, and having an acid content of less than 4 grams per 100 cc.; (barreled vinegar, shipment of September 22, 1921) the product consisted of evaporated apple products vinegar and distilled vinegar, colored with caramel; (bottled vinegar, shipment of December 7, 1921) the product consisted in part of distilled vinegar; (bottled vinegar, shipment of October 6, 1921) the 3 bottles examined had an average volume of 15.6 fluid ounces.

Adulteration of the barreled vinegar was alleged in the information for the reason that with respect to a portion of the article, an excessively diluted distilled vinegar, artificially colored, and, with respect to the remainder of the said article, vinegar made from evaporated apple products and distilled vinegar, artificially colored, had been substituted in whole or in part for pure

cider vinegar, which the article purported to be. Adulteration was alleged with respect to the said barreled vinegar for the further reason that it was a product inferior to pure cider vinegar and was artificially colored with caramel so as to simulate the appearance of pure cider vinegar and in a manner whereby its inferiority to pure cider vinegar was concealed.

Adulteration was alleged with respect to the portion of the bottled vinegar consigned December 7, 1921, for the reason that distilled vinegar had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cider vinegar made from apple juice, which the article purported to be.

Misbranding of the barreled vinegar was alleged for the reason that the statement, to wit, "Pure Cider Vinegar," borne on the barrels containing the article, was false and misleading in that the said statement represented that the said article consisted wholly of pure cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure cider vinegar, whereas, in truth and in fact, it did not, but a portion thereof consisted in whole or in part of an excessively diluted distilled vinegar, artificially colored, and the remainder thereof consisted in whole or in part of vinegar made from evaporated apple products and distilled vinegar artificially colored. Misbranding of the said barreled vinegar was alleged for the further reason that it was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure cider vinegar.

Misbranding was alleged with respect to the portion of the bottled vinegar consigned December 7, 1921, for the reason that the statement, to wit, "Pure Cider Vinegar Made From Apple Juice," borne on the labels attached to the bottles containing the article, was false and misleading in that it represented that the said article was pure cider vinegar made from apple juice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cider vinegar made from apple juice, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of distilled vinegar. Misbranding of the said portion of the bottled vineger was alleged for the further reason that it was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure cider vinegar made from apple juice.

Misbranding was alleged with respect to the portion of the bottled vinegar consigned October 6, 1921, for the reason that the statement, to wit, "16 Fluid Ounces," borne on the labels attached to the bottles containing the article, was false and misleading in that the said statement represented that each of the said bottles contained 16 fluid ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 16 fluid ounces of the article, whereas, in truth and in fact, each of said bottles did not contain 16 fluid ounces of the said article but did contain a less amount.

Misbranding was alleged with respect to all the said bottled vinegar for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 3, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of 100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12385. Misbranding of olive oil and cottonseed oil. U. S. v. 12 Cases of Olive Oil and 3 Cases and 36 Cans of Cottonseed Oil. Products released under bond to be relabeled. (F. & D. Nos. 16487, 16490. I. S. Nos. 14320–t, 14323–t, 14324–t. S. Nos. W–1114, W–1116.)

On July 29, 1922, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 cases of olive oil and 3 cases and 36 cans of cottonseed oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by Lekas & Drivas from New York, N. Y., in various consignments, namely, on or about July 16, July 22, and December 3, 1921, and March 18, 1922, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Net Contents ½ Gall. * * * Pure Olive Oil * * * Lekas & Drivas New York

U. S. A." The cottonseed oil was labeled in part: (Can) "Liberty Brand * * * Oil * * * Net Contents 1 Gallon" (or "Net Contents ½ Gallon") "Lekas & Drivas New York."

Misbranding of the articles was alleged in the libels for the reason that the statements on the labels of the respective-sized cans, "Net Contents 1 Gallon," "Net Contents ½ Gallon," "Net Contents ½ Gall.," were false and misleading in that the net contents of the said cans was not one-half gallon or 1 gallon, as the case might be. Misbranding was alleged for the further reason that the articles were [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 3, 1924, Lekas & Drivas, New York, N. Y., having appeared as claimants for the property, judgments of the court were entered, finding that the products were misbranded and ordering that they be released to the said claimants to be relabeled upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12386. Misbranding of butter. U. S. v. Charles C. Martin (Martin Bros. & Co.). Plea of guilty. Fine, $150 and costs. (F. & D. No. 17144. I. S. No. 14306–t.)

On April 6, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles C. Martin, trading as Martin Bros. & Co., Denver, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 17, 1922, from the State of Colorado into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Blue Hill Brand Butter 1 Pound."

Examination, by the Bureau of Chemistry of this department, of 30 packages from the consignment showed that the average net weight of the said packages was 15.59 ounces.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "1 Pound," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of said packages contained 1 pound of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 8, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $150 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12387. Misbranding of Lung Vita. U. S. v. Nashville Medicine Co., a Corporation. Plea of nolo contendere. Fine, $5 and costs. (F. & D. No. 8208. I. S. Nos. 11647–l, 11944–m.)

On July 13, 1917, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nashville Medicine Co., a corporation, Nashville, Tenn., alleging shipment by said company in violation of the food and drugs act as amended, on or about March 24, 1916, from the State of Tennessee into the State of Alabama, and on or about September 1, 1916, from the State of Tennessee into the State of Arkansas, of quantities of Lung Vita, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a partially emulsified mixture of kerosene, linseed and olive oils, glycerin, sugar, a trace of benzoic acid, small amounts of plant material, alcohol, and water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding its curative and therapeutic effects, appearing in the labels, falsely and fraudulently represented the said article to be a remedy for consumption and bronchial asthma and effective as a treatment for consumption and bronchial asthma when, in truth and

in fact, it contained no ingredients or medicinal agents effective to produce the effects claimed.

On February 1, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $5 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12388. Adulteration of tomato catsup. U. S. v. 12 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16763. I. S. No. 1502-v. S. No. E-4135.)

On August 25, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of tomato catsup remaining in the original unbroken packages at Providence, R. I., consigned by the S. J. Van Lill Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about July 17, 1922, and transported from the State of Maryland into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Astoria Brand Tomato Catsup * * * S. J. Van Lill Co. Packers Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12389. Misbranding of Nervtone tablets. U. S. v. 10 Boxes of Nervtone Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16054. S. No. E-3783.)

On February 21, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 boxes of Nervtone tablets remaining in the original unbroken packages at Manville, R. I., consigned by A. F. Schambier, Manchester, N. H., alleging that the article had been shipped from Manchester, N. H., on or about June 18, 1921, and transported from the State of New Hampshire into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that Nervtone tablets no. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100 grain of arsenic trioxid, and 3 grains of iron sulphate each, together with aloes and cascara sagrada extract; and that Nervtone tablets no. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the labels contained the following statements, (carton) "(English) Nervtone Tablets 100 No. 1 * * * Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia, Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind through overwork, mental worry and all female complaints * * * (French) Recommended for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the side or back, Exhausted Vitality resulting from any cause whatsoever, and all diseases peculiar to women * * * (English) Nervtone (No. 2) Tablets Useful in * * * Defective Elimination, Liver and Kidney Troubles * * * (French) * * * indispensable against * * * diseases of the liver and kidneys," (leaflet, English and French) "Nervtone Tablets No. 2 * * * for * * * Liver and Kidney troubles, Bilious Affections (les Systèmes Bilieux) and Digestive Disorder (la Mauvaise Digestion en général). * * * Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly * * * for the speedy relief of * * * the worst forms of digestive troubles * * * relieve the stomach by doing a share of its work * * * *Take also* NERVTONE TABLETS No. 1 *for Indigestion, Nervousness, Rheumatism, etc.*," which were false and

fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed. Further misbranding was alleged because the statement "No * * * dangerous drug" was false and misleading.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12390. Misbranding of Pratt's cow remedy. U. S. v. 2½ Dozen Packages of Pratt's Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14847. S. No. E–3351.)

On May 4, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2½ dozen packages of Pratt's cow remedy remaining in the original unbroken packages at Providence, R. I., consigned by the Pratt Food Co., Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about August 27, 1920, and transported from the State of Pennsylvania into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of salt, soda, Epsom salt, iron oxid, fenugreek, ginger, nux vomica, and gentian.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labels, (package) "Pratt's Cow Remedy is a tested remedy and preventive for Contagious abortion, Barrenness (Failure to Breed), Garget, Milk Fever, * * * For Barrenness * * * prevents retained afterbirth, * * * For Calves: For preventing or treating scours * * * Pratt's Cow Remedy will assist in rendering the bull's service more sure, particularly where contagious abortion has appeared in the herd * * * For Accidental Or Contagious Abortion * * * To Prevent: In herds where cows have previously aborted, or in neighborhoods where disease exists, * * * Contagious Abortion: * * * Retained Afterbirth * * * Pratt's Cow Remedy Is A Medicinal Specific for diseases of cows * * * preventive and remedy for cow troubles," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12391. Adulteration of canned salmon. U. S. v. 108 Cases and 7,614 Cases of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17828, 17829. I. S. Nos. 8391–v, 8392–v, 8393–v, 8394–v, 8395–v, 11498–v. S. Nos. W–1420, W–1421.)

On September 19, 1923, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7,722 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby from Koggien, Alaska, on or about August 12, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 11, 1924, Libby, McNeill & Libby, claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $10,250, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed, and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12392. Adulteration and misbranding of mustard. U. S. v. 18 Dozen Jars and 28 Dozen Jars of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15108. I. S. Nos. 5053–t, 5054–t. S. No. E–3359.)

On July 9, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 dozen jars, alleged 5-ounce size, and 28 dozen jars, alleged 8-ounce size, of mustard, remaining in the original unbroken packages at Providence, R. I., consigned by the Almond Pure Food Co., Lowell, Mass., alleging that the article had been shipped on or about February 7, 1921, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Harvard Brand Prepared Mustard Made Of Mustard Seed, Mustard Seed Bran, Vinegar, Turmeric and Spices. Almond Pure Food Co. Lowell, Mass. Net Wt. 5 Oz." (or "Net Wt. 8 Oz.").

Adulteration of the article was alleged in the libel for the reason that cornstarch and mustard hulls had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged for the reason that the statement on the labels, "Prepared Mustard made of mustard seed, mustard-seed bran, vinegar, turmeric and spices," and "Net Wt. 5 Oz." or "Net Wt. 8 Oz.," as the case might be, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12393. Adulteration and alleged misbranding of raspberry jam. U. S. v. 25 Cases of Raspberry Jam. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18268. I. S. No. 20770–v. S. No. W–1463.)

On January 15, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of raspberry jam at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby from The Dalles, Oreg., December 10, 1923, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Raspberry Jam Libby, McNeill & Libby, Chicago. * * * Jellies, Jams and Fruit Butters Are Made Of Ripe Sound Fruit."

Adulteration of the article was alleged in the libel for the reason that the article consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Jellies, Jams and Fruit Butters Are Made of Ripe, Sound Fruit," appearing on the label, was false and misleading and deceived and misled the purchaser.

On April 7, 1924, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation, judgment of the court was entered, finding the product to be adulterated and ordering that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12394. Adulteration and misbranding of milk chocolate. U. S. v. Nissly Swiss Chocolate Co., Inc., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 18344. I. S. Nos. 7–v, 1115–v.)

On May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nissly Swiss Chocolate Co., Florin, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 20, 1922, from the State of Pennsylvania into the State of Virginia, and on or about

February 10, 1923, from the State of Pennsylvania into the State of New Jersey, of quantities of milk chocolate which was adulterated and misbranded. A portion of the article was labeled in part: "5 Pounds Nissly's * * * Sweet Milk Chocolate * * * Manufactured by Nissly Swiss Chocolate Co. Inc., Florin, Pa. U. S. A." The remainder of the said article was labeled in part: "20 10 cent Blocks Nissly's Sweet Milk Chocolate * * * Manufactured by Nissly Swiss Chocolate Co., Inc."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was deficient in milk solids. Examination of 24 of the 5-pound boxes showed an average weight of 4 pounds 13 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk solids had been substituted for sweet milk chocolate, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sweet Milk Chocolate," borne on the boxes containing the article, and the statement, to wit, "5 Pounds," borne on the boxes containing a portion thereof, were false and misleading in that the said statements represented that the article consisted wholly of sweet milk chocolate, and that each of the boxes labeled "5 Pounds" contained 5 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of sweet milk chocolate and that each of the boxes labeled "5 Pounds" contained 5 pounds of the said article, whereas, in truth and in fact, it did not consist wholly of sweet milk chocolate but did consist of a product deficient in milk solids, and each of the alleged 5-pound boxes contained less than 5 pounds of the said article. Misbranding was alleged for the further reason that the article was a product deficient in milk solids, prepared in imitation of and offered for sale and sold under the distinctive name of another article. Misbranding of both articles was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12395. Adulteration and misbranding of canned oysters. U. S. v. 11 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17497. I. S. No. 3451–v. S. No. E–4342.)

On May 3, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 cases of canned oysters remaining in the original unbroken packages at Bowdon, Ga., alleging that the article had been shipped by the Shelmore Oyster Products Co. from Charleston, S. C., on or about November 13, 1922, and transported from the State of South Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Crystal Bay Brand * * * Contains 5 Oz. Oyster Meat, Oysters," which was false and misleading and deceived and misled the purchaser into the belief that each of the cans contained 5 ounces of oyster meat, whereas, in truth and in fact, they did not but did contain a quantity materially less than 5 ounces. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 25, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after the statement of quantity of contents on the labels had been eliminated and the cans relabeled as follows: "Slack Filled. Contents 4½ ozs. Oyster Meat. A can of this size should hold 5 ozs. Oyster meat."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12396. Misbranding of Nunn's black oil healing compound. U. S. v. 60 Small and 30 Large Packages of Nunn's Black Oil Healing Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16166. I. S. Nos. 10957–t, 10958–t. S. No. W–1076.)

On April 27, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 small and 30 large packages of Nunn's black oil healing compound remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dr. Nunn's Black Oil Co. from Salt Lake City, Utah, September 12, 1921, and transported from the State of Utah into the State of Oregon, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of a sulphurated vegetable oil and kerosene.

Misbranding of the article was alleged in the libel for the reason that the labeling bore the following statements regarding the curative and therapeutic effect of the said article, (small size) "A Safe, Speedy, Reliable Relief For * * * Fistulas, Withers, Poll Evil * * * Scalded Heads on Children, Skin Eruptions, also Colic * * * Coughs and Distemper in Horses and Cattle, Roup in Chickens, etc.," (large size) "A Safe, Speedy, Reliable Relief For * * * Fistulas, Withers, Poll Evil * * * Scalded Heads on Children, Skin Eruptions, also Colic * * * Coughs and Distemper in Horses and Cattle, Roup in Chickens, etc. * * * Coughs * * * and colic, one ounce every three hours is the usual effective dose * * * Colic * * * ninety per cent of cases are cured in twenty minutes, then quit," (circular, both sizes) "Teamster's Safeguard * * * Horse Coughing * * Horse got Distemper, Pink Eye, Etc., * * * Horse got Colic * * * Chicken got Roup * * * Stallions, give on tongue * * * Get well acquainted with the workings of this medicine * * * and remember anything on man or beast that has a sore of any description The Black Oil Is Your Doctor. Try It and Be Convinced * * *. Don't Let Your Chickens Die With Avian Diphtheria Known as Chicken Roup * * * While Avian Diphtheria is entirely different from the human form, cases are recorded where children have contracted serious and even fatal sore throat from this source * * * don't waste any time. Catch the fowl and give half teaspoonful to each chicken diseased in mouth and smear the whole head, once a day, for three days with Dr. Nunn's Black Oil Healing Compound," which were false and fraudulent since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On August 1, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12397. Misbranding of coal-tar color. U. S. v. 2 Cans and 2 Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14625. I. S. Nos. 3681–t. 3682–t. S. No. C–2863.)

On March 14, 1921, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on September 24, 1923, an amended libel praying the seizure and condemnation of 4 cans of coal-tar color remaining in the original unbroken packages at Gary, Ind., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 25, 1921, and transported from the State of Missouri into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "1 Lb. Net Manufacturing Chemists W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Contents Yellow" (or "Contents Red").

Misbranding of the article was alleged in the amended libel for the reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser and bore said label and design regarding the substances contained therein, which were false and misleading in that excessive amounts of salt were contained in the article.

On November 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12398. Misbranding of Lafayette pain anodyne and Porose pills. U. S. v. 46 Packages of Lafayette Pain Anodyne and 37 Packages of Porose Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18208, 18270. S. Nos. E–4664, E–4692.)

On December 28, 1923, and January 18, 1924, respectively, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 46 packages of Lafayette pain anodyne and 37 packages of Porose pills remaining in the original unbroken packages at Providence, R. I., alleging that the articles had been shipped by the Lafayette Co. from Berlin, N. H., in part on or about September 27, 1923, and in part on or about September 28, 1923, and transported from the State of New Hampshire into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Lafayette pain anodyne consisted essentially of volatile oils, such as spearmint and cassia oils, camphor, capsicum, alcohol, and water, and that the Porose pills consisted essentially of extracts of plant drugs, including cascara sagrada, nux vomica, and oily matter, iron carbonate, and small amounts of sodium, arsenic, and sulphate, coated with sugar and calcium carbonate and colored red.

Misbranding of the articles was alleged in the libels for the reason that the following statements appearing in the labels, regarding the curative and therapeutic effect of the said articles, (Lafayette pain anodyne, bottle label and carton, English and French) "Pain Anodyne * * * for relief in certain cases of Rheumatism, Backache, Stiff Joints, Neuralgia * * * Sore Throat, Coughs, Colds, Chills, Colic * * * Diarrhoea, Cholera Morbus, Painful Menstruation * * * Burns," (Porose pills, carton, English and French) "For Girls And Women Of All Ages * * * For Weak Women Of All Ages," (box and wrapper, English and French) "A Special French remedy for ladies and young girls. * * * quiets nervous and sleepless persons. * * * for the critical age of both mothers and daughters and all women's complaints in general," (circular, English and French) "for ladies * * * Women * * * weakened by various diseases * * * are returned to perfect health by the use of Porose Pills * * * for women's diseases * * * effective in diseases caused by anemia, such as general weakness of the body * * * delayed or painful periods (menses,) womb troubles, leucorrhea (whites,) * * * back-ache, pain in the sides, palpitation of the heart, general debility, irritation and nervousness. In general suffering of women complaints of any kind caused by the change of life and the critical age of young women, or any complaints that give a sickly appearance ought to use Porose Pills, which will render them their health and good looks * * * their curative power * * * permanent cure * * * curative effect * * * For pale or weak young ladies suffering of * * * any * * * complaint particular to women, Porose Pills are an invaluable remedy, which will return to them the color and complexion indicating perfect health * * * Most women complaints are caused by delayed or even suppressed * * * (menses) * * * irregular uterine functions * * * the best of regulating tonics for all women complaints. Puberty Or Change Of Age At the critical stage in the life of any young woman, Porose Pills will furnish the necessary vitality to conquer the weakness torpor (numbness) that characterizes that age Irregular Periods (Menses) * * * Pregnancy And Maternity * * * will strengthen and facilitate greatly the confinement * * * Leucorrhea (Whites) * * * unequalled for the treatment of this complaint * * * Womb Troubles * * * Indigestion And Sour Stomach * * * Dyspepsia * * * Kidney trouble is invariably relieved," were false and fraudulent, since the said articles contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 23, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12399. Misbranding of Smith's buchu lithia pills. U. S. v. 28 Boxes of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17904. S. No. E–4529.)

On November 8, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme

Court of the District of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 28 boxes of Smith's buchu lithia pills at Washington, D. C., alleging that the article had been shipped by C. F. Smith from Boston, Mass., on or about September 14, 1923, and transported from the State of Massachusetts into the District of Columbia, and was being offered for sale in said District, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box and circular) "For Rheumatism and all Diseases of the Kidneys, Blood and Urinary Organs Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc. Sleeplessness, Nervousness, Female Complaints and Irregularities and all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent;" (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder * * * by removing the cause, * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia, * * * and a long train of diseases * * * They cure rheumatism, because they cure the kidneys. For Backache, Inflammation of the Kidneys, * * Bladder * * * Dropsy, Whites or Leucorrhoea, * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood, * * * permanent cures will certainly be the result * * * If your case is chronic continue their use * * * they will cure any case;" (testimonials) "permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * * the best remedy for weak kidneys * * * recommend them to any one with suppression or stoppage of urine."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron oxide coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium, and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, borne on the boxes containing the articles and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12400. Adulteration of oats. U. S. v. 20,692 Bushels and 6 Pounds and 4,100 Bushels of Bulk Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18703. I. S. Nos. 15240–v, 15241–v. S. No. E–4848.)

On or about May 23, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20,692 bushels and 6 pounds and 4,100 bushels of bulk oats at Newport News, Va., alleging that the article had been shipped by S. Zorn & Co. from Louisville, Ky., in various consignments, namely, on or about March 21, March 27, April 8, and April 10, 1924, respectively, and transported from the State of Kentucky into the State of Virginia, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that the article consisted in whole or in part of a filthy, decomposed, or putrid vegetable product.

On June 30, 1924, C. E. Fox, Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product be not disposed of unless invoiced and sold as "Bin Burned Oats for Sheep or Hog Feed."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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*Contains decision of the court or instructions to jury.

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12401–12450

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 3, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12401. Adulteration and misbranding of certified cream color. U. S. v. 20 Pounds of Certified Cream Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17429. I. S. No. 1470–v. S. No. E–4327.)

On March 26, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 20 pounds of alleged certified cream color, at Washington, D. C., alleging that the article had been shipped by the Favorite Mfg. Co., from Philadelphia, Pa., on or about May 18, 1922, and transported from the State of Pennsylvania into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Certified Cream Color Prepared By Favorite Manufacturing Co * * * Philadelphia Pa."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, salt, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for certified cream color, which the said article purported to be.

Misbranding was alleged for the reason that the statements regarding the said article and the ingredients and substances contained therein, borne on the labels attached to the cans containing the article, to wit, "Certified No. 3759 Certified Cream Color Prepared By Favorite Manufacturing Co.," were false and misleading and deceived and misled the purchaser in that the said statements represented that the article consisted of certified cream color, whereas, in truth and in fact, it contained added salt. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12402. Adulteration of canned black raspberries. U. S. v. 200 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond, to be salvaged. (F. & D. No. 16896. I. S. No. 3780–v. S. No. C–3827.)

On October 27, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Argiculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 200 cases of black raspberries remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers & Merchants Bank, from Hartford, Mich., August 25, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Simpson Acres * * * Fancy Black Raspberries * * * Simpson Acres * * * Keeler—Michigan P. O. Hartford—Michigan."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 28, 1924, Simpson Acres, Hartford, Mich., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12403. Adulteration of tomato catsup. U. S. v. 19½ Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18712. I. S. No. 16129–v. S. No. E–4854.)

On May 2, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19½ cases of tomato catsup remaining in the original unbroken packages at Reading, Pa., consigned by the Thomas Page Canning Co., Albion, N. Y., alleging that the article had been shipped from Albion, N. Y., on or about March 11, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Royal Kitchen Brand * * * Tomato Catsup * * * Packed By Thomas Page Canning Corporation Albion, N. Y., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12404. Misbranding of butter. U. S. v. North American Provision Co., a Corporation. Tried to the court without a jury. Judgment for the Government. Fine, $100 and costs. (F. & D. No. 18315. I. S. Nos. 6967–v, 6968–v.)

On April 29, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North American Provision Co., a corporation, having a branch operating under the name of Morris & Co., at Oklahoma City, Okla., alleging shipment by said company in violation of the food and drugs act as amended, on or about August 22, 1923, from the State of Oklahoma into the State of Texas, of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Morris' Supreme Fancy Creamery Butter Morris & Company, U. S. A. * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 19 cartons from one shipment and 14 cartons from another shipment showed a net weight of 14.8 ounces and 15.5 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, the said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that

the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 27, 1924, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court without a jury. After the submission of evidence judgment for the Government was entered by the court, and a fine of $100 and costs was imposed on the defendant company.

HOWARD M. GORE, *Secretary of Agriculture.*

12405. Adulteration of canned blueberries. U. S. v. 9½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18634. I. S. No. 16778–v. S. No. E–4831.)

On May 3, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9½ cases of canned blueberries remaining in the original unbroken packages at Springfield, Mass., alleging that the article had been shipped by the A. & R. Loggie Co. (Ltd.) from Columbia Falls, Me., on or about September 22, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries * * * Packed—— At Columbia Falls, Maine By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12406. Adulteration of canned blueberries. U. S. v. 5½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18539. I. S. No. 15389–v. S. No. E–4746.)

On April 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5½ cases of canned blueberries remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., on or about September 17, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wyman's Brand Blueberries Packed And Guaranteed By Jasper Wyman & Son Milbridge, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12407. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, $200. (F. & D. No. 17933. I. S. Nos. 6432–v, 6433–v.)

On January 17, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sugar Creek Creamery Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company in violation of the food and drugs act as amended, in two consignments, namely, on or about June 14 and June 19, 1923, respectively, from the State of Missouri into the State of Illinois, of a quantity of butter which was misbranded. The article was labeled in part: "Sugar Creek Butter * * * One Pound Net Weight * * * Sugar Creek Creamery Co. * * * Sugar Creek Butter General Office Danville, Ill."

Examination of a sample taken from each of the consignments by the Bureau of Chemistry of this department showed an average shortage in weight of 1.9 per cent and 1.87 per cent respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $200 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12408. Misbranding of tankage. U. S. v. Pan American Feed Milling Co., a Corporation. Plea of guilty. Fine, $75. (F. & D. No. 17941. I. S. Nos. 3924–v, 5176–v, 10444–v.)

On January 17, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pan American Feed Milling Co., a corporation, trading at West Toledo, Ohio, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about January 3 and December 30, 1922, respectively, from the State of Ohio into the State of Missouri, and on or about September 13, 1922, from the State of Ohio into the State of Iowa, of quantities of tankage which was misbranded. The September and December shipments were labeled in part: "Garbage Tankage PAF * * * Guaranteed Analysis: Protein Not Less Than 18% * * * Fibre Not More Than 7% Bone Phosphate About 14% * * * Pan American Feed Milling Co. * * * West Toledo, Ohio." The January shipment was labeled in part: "PAF Garbage Tankage Guaranteed Analysis * * * Protein 21.0% * * * Fibre 4.1% Bone Phosphates 13.0% * * * Pan-American Feed Milling Co. West Toledo, Ohio."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each of the three consignments showed that the said samples contained approximately 17.33 per cent, 15.53 per cent, and 16.99 per cent, respectively, of protein; 8.68 per cent, 10.34 per cent, and 9.71 per cent, respectively, of crude fiber; and 5.50 per cent, 5.37 per cent, and 5.02 per cent, respectively, of calcium phosphate.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis: Protein, Not Less Than 18% * * * Fibre Not More Than 7% Bone Phosphate About 14%," borne on the sacks containing a portion of the article, and the statements, to wit, "Guaranteed Analysis * * * Protein 21.0% Fibre 4.1% Bone Phosphates 13.0%," borne on the tags attached to the sacks containing the remainder thereof, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than the amounts of protein and bone phosphate, and not more than the amounts of fiber declared on the respective labels, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than the amounts of protein and bone phosphate and not more than the amounts of fiber declared on the respective labels, whereas, in truth and in fact, the said article contained less protein and bone phosphate and more fiber than so declared.

On March 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $75.

HOWARD M. GORE, *Secretary of Agriculture.*

12409. Misbranding of butter. U. S. v. 340 Pounds, et al., of Butter. Decrees entered, finding product to be misbranded and ordering its release under bond to be reworked. (F. & D. Nos. 17716, 17717, 17720. I. S. Nos. 6925–v, 6926–v, 6930–v, 6931–v. S. Nos. C–4091, C–4092, C–4095.)

On August 23, 1923, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District

Court of the United States for said district libels praying the seizure and condemnation of 698 pounds of butter remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped by the Mount Scott Creamery Co. from Lawton, Okla., in part on or about August 1, 1923, and in part on or about August 3, 1923, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled variously: (Print) "Red Rose Butter One Pound Net Weight"; "Mount Scott Creamery Butter * * * Net Weight 16 Ozs."; and "Brookfield Creamery Butter 1 Lb. Net Weight."

Misbranding of the article was alleged in the libels for the reason that the statements, "One Pound Net," or "Net Weight 16 Ozs.," as the case might be, borne on the labels of the respective lots, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On October 20, 1923, the Mount Scott Creamery Co., Lawton, Okla., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of the court were entered, finding the product to be misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked and that it be not sold in packages containing less than the weight labeled thereon.

HOWARD M. GORE, *Secretary of Agriculture.*

12410. Misbranding of The Texas Wonder. U. S. v. 67 Packages of The Texas Wonder. Product destroyed. Decree entered ratifying destruction. (F. & D. No. 9552. I. S. No. 16131–r. S. No. E–1193.)

On December 26, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 67 packages of The Texas Wonder remaining unsold in the original packages at Augusta, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about November 30, 1918, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "The Texas Wonder! Hall's Great Discovery for Kidney and Bladder Trouble, Diabetes, Weak and Lame Backs, Rheumatism * * * Gravel, Regulates Bladder Trouble in Children," (circular, testimonial of Louis A. Portner, St. Louis, Mo.) "Began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys * * * urine contained 40% pus. * * * still using the medicine with wonderful results and his weight had increased."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the carton label and in the accompanying circular were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 3, 1924, the product having been theretofore destroyed by the United States marshal, a decree of the court ratifying said destruction was entered.

HOWARD M. GORE, *Secretary of Agriculture.*

12411. Adulteration of canned salmon. U. S. v. 500 Cases and 500 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18136, 18137. I. S. No. 7381–v. S. No. C–4215.)

On December 10, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,000 cases of salmon, in part at Martin, Tenn., and in part at Union City, Tenn., alleging that the article had been shipped by

McGovern & McGovern, from Seattle, Wash., on or about October 10, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Higrade Brand * * * Pink Alaska Salmon Packed In Alaska By Sea Coast Packing Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that the product consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 3, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12412. Adulteration and misbranding of canned tuna fish. U. S. v. 99 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12552. I. S. No. 15220-r. S. No. E-2068.)

On April 13, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of tuna fish remaining in the original unbroken packages at Bethlehem, Pa., consigned by the Curtis Corporation, Long Beach, Calif., alleging that the article had been shipped from Long Beach, Calif., on or about January 20, 1920, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Curtis Brand * * * California Tuna White Meat * * * Packed By The Curtis Corporation. Long Beach, Cal."

Adulteration of the article was alleged in the libel for the reason that blue fin, yellow fin, striped tuna, and bonita had been mixed and packed with and substituted wholly or in part for California tuna white meat, which the article purported to be.

Misbranding was alleged for the reason that the packages inclosing the article bore labels containing the following statement, "Curtis Brand * * * California Tuna White Meat," which was false and misleading, in that the said statement represented that the said packages contained California tuna white meat, when, in fact, they did not.

On April 25, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12413. Adulteration of canned salmon. U. S. v. 4,794 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17182. I. S. No. 8317-v. S. No. W-1284.)

On January 19, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4,794 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the North Pacific Trading & Packing Co. from Klawack, Alaska, September 22, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Klawack Brand * * * Salmon * * * Packed at Klawack Alaska, U. S. A. By The North Pacific Trading and Packing Company. San Francisco Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed and putrid animal substance.

On March 4, 1924, the North Pacific Trading & Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, that the bad portion be destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12414. Adulteration of butter. U. S. v. 12 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18434. I. S. No. 20029-v. S. No. W–1485.)

On March 1, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cubes of butter remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mutual Creamery Co. from Lewiston, Idaho, February 15, 1924, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "L 46 Mutual Creamery Co. Seattle, Washington."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed with the said article, so as to reduce, lower, or injuriously affect its quality. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted from the said article.

On March 6, 1924, the Mutual Creamery Co., Lewiston, Idaho, claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12415. Misbranding and alleged adulteration of flour. U. S. v. 671 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18430. I. S. No. 20793–v. S. No. W–1483.)

On February 28, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 671 sacks of flour remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills Co., from Portland, Oreg., November 16, 1923, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Baker Girl * * * Family Flour Bleached Crown Mills Portland—Tacoma—Seattle 49 Lbs. Baker Girl."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article, so as to reduce, lower, or injuriously affect its quality.

Misbranding was alleged for the reason that the statement "49 Lbs." was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 17, 1924, the Crown Mills, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $350, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12416. Adulteration and misbranding of canned oysters. U. S. v. 75 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18707. I. S. Nos. 5248–v, 5249–v. S. No. C–4403.)

On May 24, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases of canned oysters at Nebraska City, Nebr., alleging that the article had been shipped by the Marine Products Co. (Inc.) from Gulfport, Miss., on or about February 4, 1924, and transported from the State of Mississippi into the State of Nebraska, and charging adulteration and

misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Winner Brand * * * Oysters Packed By Sea Food Co. Biloxi, Miss. Net Contents 4 Ounces" (or "Net Contents 8 Ounces").

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labeling was false and misleading and deceived and misled the purchaser, since the drained weight of the oysters contained in the said cans was less than stated on the respective labels. Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package or can.

On July 5, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12417. Adulteration and misbranding of flour. U. S. v. 90 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18425. I. S. No. 20791–v. S. No. W–1482.)

On February 26, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 sacks of flour remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills, from Portland, Oreg., January 26, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding, in violation of the food and drugs act. The article was labeled in part: (Sack) "Puritan * * * Hard Wheat Patent Flour * * * Bleached 98 Lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Pounds," appearing in the labeling was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1924, the J. A. Campbell Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered, finding the product to be adulterated or misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12418. Adulteration of pickled herrings. U. S. v. 14 Whole Barrels and 5 Half Barrels of Pickled Herrings. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18700. I. S. No. 17913–v. S. No. C–4402.)

On May 19, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 whole barrels and 5 half barrels of pickled herring, at Chicago, Ill., alleging that the article had been shipped by W. L. Sugarman, from Wilmington, Del., March 19, 1924, and transported from the State of Delaware into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Barrel) "Arcady Brand Milkers Vlaardinger Holland" (Tag) "From W. L. Sugarman, Wilmington, Delaware."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12419. Adulteration of canned salmon. U. S. v. 378 Cases and 297 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released to be used as fish food. (F. & D. Nos. 14237, 14238. I. S. Nos. 10530–t, 10532–t. S. Nos. W–844, W–845.)

On January 24, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 675 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sitka Packing Co., from Sitka, Alaska, in two consignments, namely, August 31 and September 26, 1919, respectively, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Baranoff Brand Pink Salmon * * * Sitka Packing Co., Sitka, Alaska." The remainder of the said article was labeled in part: (Can) "Edgecombe Brand * * * Cohoe * * * Salmon—Sitka Packing Co., Sitka, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 3, 1924, the Sitka Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Washington Fisheries Department to be used as fish food in the fish hatcheries, upon payment of the costs of the proceedings by the supervisor of the said fisheries department.

HOWARD M. GORE, *Secretary of Agriculture.*

12420. Misbranding of potatoes. U. S. v. H. Rouw Co., a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17528. I. S. No. 8228–v.)

On April 20, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. Rouw Co., a corporation, Van Buren, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 5, 1923, from the State of Arkansas into the State of Colorado, of a quantity of potatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Secretary of Agriculture.*

12421. Misbranding of feed. U. S. v. Arcady Farms Milling Co., a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17945. I. S. Nos. 1380–v, 10578–v.)

On May 8, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arcady Farms Milling Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about April 16 and July 20, 1923, respectively, from the State of Illinois into the State of Maryland, of quantities of feed which was misbranded. A portion of the article was labeled in part: "Arco * * * Milk-Maker Manufactured By Arcady Farms Mlg. Co. Chicago, Ill. * * * Guaranteed Analysis Protein 20%." The remainder of the article was labeled in part: "Arcady Wonder Mash With Buttermilk * * * Guaranteed Protein 20% * * * Manufactured By Arcady Farms Milling Co. Chicago, Ill."

Analysis by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained approximately 17.31 per cent and 18.34 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 20%," and "Guaranteed Protein 20%," borne on the sacks containing the respective consignments of the article, were false and misleading in that the said statements represented that the article contained not less than 20 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent

of protein, whereas, in truth and in fact, it did contain less than 20 per cent of protein, the consignments containing approximately 17.31 per cent and 18.34 per cent, respectively, of protein.

On June 19, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Secretary of Agriculture.*

12422. Misbranding of oats. U. S. v. 100 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18633. I. S. No. 18062-v. S. No. C-4351.)

On April 30, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of oats, at Okolona, Miss., alleging that the article had been shipped by the Mississippi Elevator Co., Memphis, Tenn., April 19, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was billed and invoiced as oats.

Misbranding of the article was alleged in the libel for the reason that it contained an admixture of oats containing moisture, wild oats, barley skimmings, rye, corn, chaff, dirt, and foreign material, and was offered for sale under the distinctive name of oats. Misbranding was alleged for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and (or) numerical count.

On June 20, 1924, the Mississippi Elevator Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product be relabeled in accordance with law.

HOWARD M. GORE, *Secretary of Agriculture.*

12423. Adulteration and misbranding of oil. U. S. v. 16 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15809. I. S. No. 5554-t. S. No. E-3795.)

On March 7, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cans of oil remaining in the original unbroken packages at Providence, R. I., consigned by Campas & Co., New York, N. Y., alleging that the article had been shipped on or about December 16, 1921, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore the following statements regarding the article and the ingredients or substances contained therein, "Olio Puro La Vittoria Degli Alleati Brand * * * Soya Bean Oil Flavored Slightly With Pure Olive Oil * * * Net Contents One Gallon * * * Qualità Superiore * * * Olio De Tavola Garentito Puro * * * Packed by Oriental Importing Co.," which, together with a design or device showing an Italian soldier kneeling before a crowned female holding an Italian flag, a map showing Italy and environs, and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was falsely branded as to the country in which it was manufactured or produced.

On June 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12424. Adulteration and misbranding of oil. U. S. v. 13 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15810. I. S. No. 5549–t. S. No. E–3796.)

On March 6, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cans of oil remaining in the original unbroken packages at Providence, R. I., consigned by the Italy Commercial Co., New York, N. Y., alleging that the article had been shipped on or about January 27, 1922, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents Full Gallon."

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the labels bore the following statement regarding the article and the ingredients or substances contained therein, "Net Contents Full Gallon * * * Olio Sopraffino Qualità Superiore Olio Finissimo * * * Olive Oil * * * Tripolitania Brand * * * Superior Quality," and bore designs of shields, crowns, and flags suggesting Italian flags, which, together with the use of the Italian language and the suggestion of foreign origin appearing on the said label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was falsely branded as to the country in which it was manufactured or produced. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12425. Misbranding of vanilla extract and lemon extract. U. S. v. 15 Gross Vanilla Extract, et al. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. Nos. 18491, 18549, 18550. I. S. Nos. 12082–v, 12084–v, 20040–v, 20041–v. S. Nos. W–1497, W–1501.)

On March 17 and April 14, 1924, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United Sates for said district libels praying the seizure and condemnation of 288 bottles of lemon extract and 2,448 bottles of vanilla extract, remaining in the original unbroken packages in part at Bellingham, Wash., and in part at Everett, Wash., alleging that the articles had been shipped by the Forbes Bros. Tea & Spice Co. from St. Louis, Mo., in part May 22, 1923, and in part March 15, 1924, and transported from the State of Missouri into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Carton) "Kulshan Brand * * * Extract of Pure Vanilla" (or "Extract of Pure Lemon") "* * * 2 Fl. Ozs. Net Conts."

Misbranding of the articles was alleged in the libels for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 22 and 29, 1924, respectively, the Lee Grocery Co. (Inc.), of Bellingham and Everett, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $600, in conformity with section 10 of the act, conditioned in part that they be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12426. Adulteration of frozen eggs. U. S. v. 1,114 Cases of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 18682. I. S. No. 16022–v. S. No. E–4840.)

On May 13, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,114 cases of frozen eggs remaining in the original unbroken packages at Philadelphia, Pa., consigned by Sam Sugars, San Antonio, Texas, alleging that the article had been shipped from San Antonio, Texas, on or about April 28, 1924, and transported from the State of Texas into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On May 29, 1924, the New York Buyers Assoc. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $7,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12427. Misbranding of olives. U. S. v. 2 Cases Queen Olives et al. Product ordered released under bond to be relabeled. (F. & D. No. 18681. I. S. Nos. 12610–v, 12613–v, 12615–v. S. No. E–4833.)

On May 13, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases of olives, remaining in the original unbroken packages at Baltimore, Md., consigned by the F. H. Leggett Co., Landisville, N. J., in various consignments, namely, on or about December 14, 1923, and March 18 and March 21, 1924, respectively, alleging that the article had been shipped from Landisville, N. J., and transported from the State of New Jersey into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Queen Olives 9 Oz.," "Stuffed Manzanilla Selected Olives 4 Oz.," "Queen Olives 9 Oz. * * * Stuffed with Peppers."

Misbranding of the article was alleged in the libel for the reason that the statements, "9 Oz." and "4 Oz.," appearing on the respective-sized bottles containing the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1924, the Jordan Stabler Co., Baltimore, Md., having appeared as claimant for the property and having admitted the material allegations of the libel but having averred that the misbranding was a mistake on the part of the packer, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of $100, in conformity with section 10 of the act, and that the product be not disposed of until it had been relabeled to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12428. Misbranding of cottonseed meal. U. S. v. Dallas Oil & Refining Co., a Corporation. Plea of guilty. Fine, $200. (F. & D. No. 18090. I. S. Nos. 11384–v, 11389–v.)

On March 17, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dallas Oil & Refining Co., a corporation, Dallas, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about November 9, 1922, and February 21, 1923, respectively, from the State of Texas into the State of New Mexico, of quantities of cottonseed meal which was misbranded. A portion of the article was labeled in part: (Tag) "Texoma Brand Prime Cotton Seed Cake and Meal * * * Guaranteed Analysis Protein, not less than 43%." The remainder of the

said article was labeled in part: (Tag) "Cotton Seed Cake Or Meal Manufactured by Dallas Oil Refining Company Dallas, Texas Guaranteed Analysis Protein 43 per cent."

Analyses of four samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 41.25 per cent, 41.42 per cent, 41.74 per cent, and 41.47 per cent, respectively, of crude protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein, not less than 43%," and "Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing respective portions of the said article, were false and misleading in that they represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein.

On May 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $200.

HOWARD M. GORE, *Secretary of Agriculture.*

12429. Adulteration and misbranding of canned salmon. U. S. v. 454 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be used as fish food. (F. & D. No. 16924. I. S. No. 7879–v. S. No. W–1237.)

On or about November 26, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 454 cases of salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been consigned by the Warrenton Clam Co., November 23 [November 3], 1922, for interstate shipment from Astoria, Oreg., into the State of Florida, and charging adulteration and misbranding, in violation of the food and drugs act. The article was labeled in part: (Can) "'Pagoda' Brand Pink Salmon Packed By Warrenton Clam Co. * * * Oregon."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that filthy, decomposed, and putrid Coho salmon had been substituted for normal pink salmon of good commercial quality.

Misbranding of the article was alleged for the reason that the statement in the label, "Pink Salmon," was false and misleading and deceived and misled the purchaser.

On June 21, 1924, the Warrenton Clam Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be delivered to the Oregon State Fish Commission for use as fish food.

HOWARD M. GORE, *Secretary of Agriculture.*

12430. Adulteration of shell eggs. U. S. v. David Alexander Fry, John DeWitt Fry, and Eugene David Fry (Fry Produce Co.). Plea of guilty. Fine, $30. (F. & D. No. 17248. I. S. No. 1104–v.)

On April 2, 1923, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David Alexander Fry, John DeWitt Fry, and Eugene David Fry, copartners, trading as Fry Produce Co., Greenville, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 21, 1922, from the State of Tennessee into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 179, or 12.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of $30 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12431. Misbranding of butter. U. S. v. Catawba Creamery Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 17132. I. S. Nos. 3030–v, 3069–v.)

On April 18, 1923, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Catawba Creamery Co., a corporation, Hickory, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 12, 1922, from the State of North Carolina into the State of Georgia, and on or about September 8, 1922, from the State of North Carolina into the State of South Carolina, of quantities of butter which was misbranded. The article was labeled in part: "One Pound Net Weight * * * Catawba Gem Butter * * * Catawba Creamery Co. Hickory, N. C."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article regarding the said article, was false and misleading in that it represented that each of said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12432. Adulteration of evaporated peaches. U. S. v. 83 Boxes of Evaporated Peaches. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16768. I. S. No. 5806–v. S. No. C–3782.)

On August 22, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 83 boxes of evaporated peaches, at Fort Worth, Tex., alleging that the article had been shipped by the Muller Grocery Co., Jelks, Ark., on or about June 23, 1922, and transported from the State of Arkansas into the State of Texas, and charging adulteration, in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On September 20, 1922, the Muller Grocery Co., Jelks, Ark., having confessed ownership of the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12433. Misbranding of cottonseed meal. U. S. v. Terrell Oil & Refining Co., a Corporation. Plea of guilty. Fine, $150. (F. & D. No. 18094. I. S. No. 10436–v.)

On April 7, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Terrell Oil & Refining Co., a corporation, Terrell, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 27, 1922, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Weight 100 Pounds Net "Chickasha Prime" Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.73 per cent of protein. Examination of 20 sacks of the article by said bureau showed the average net weight of the contents to be 98.56 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Protein, not less than 43 per cent" and "Weight 100 Pounds Net," borne on the tags attached to the sacks containing the said article, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein and that each of the said sacks contained not less than 100 pounds net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and that each of the said sacks contained not less than 100 pounds net weight of the said article, whereas, in fact and truth, the said article did contain less than 43 per cent of protein, to wit, 40.73 per cent of protein, and each of said sacks did not contain 100 pounds net weight of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

HOWARD M. GORE, *Secretary of Agriculture.*

12434. Adulteration and misbranding of butter. U. S. v. 403 Cases and 7 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18862. I. S. Nos. 2458–v, 2460–v, 2461–v, 2462–v, 2463–v, 2464–v. S. No. E–4924.)

On July 14, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 403 cases (consisting of 5 lots containing 234, 46, 58, 50, and 15 cases), each containing 30 pounds, and 7 tubs, each containing 61 pounds of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Minnesota Creamery & Produce Co., St. Paul, Minn., June 20, 1924, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged with respect to all the said butter for the reason that it was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the product contained in the said 403 cases for the further reason that the statements, "Butter" and "Extra Fancy * * * Creamery Butter," appearing in the labeling of 234 cases of the article, the statement "Butter," appearing in the labeling of 46 cases of the article, the statements, "Butter Quarters" and "Net Weight * * * One Pound * * * Extra Fancy * * * Creamery Butter," appearing in the labeling of 58 cases of the article, the statements, "Butter" and "Pure Creamery Butter * * * Co. Buffalo," appearing on 50 cases of the article, and the statements, "Butter Quarters" and "Pure Creamery Butter * * * Co. Buffalo * * * One Pound Net Weight," appearing in the labeling of 15 cases of the article, regarding the said article and the ingredients or substances contained therein, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the said 58 cases of the product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct. Misbranding was alleged with respect to the said 50 cases and 15 cases of the product for the further reason that it was falsely branded as to the manufacturer and as to the place in which it was manufactured or produced.

On July 18, 1924, the Minnesota Creamery & Produce Co., St. Paul, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12435. Adulteration and misbranding of ice cream. U. S. v. Charlton Karns, James G. Sterchi, George W. Callahan, and John H. Kingsolver (Racy Cream Co.). Pleas of nolo contendere. Fine, $80 and costs. (F. & D. No. 17813. I. S. No. 8984–v.)

On January 9, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charlton Karns, James G. Sterchi, George W. Callahan, and John H. Kingsolver, copartners, trading as Racy Cream Co., Knoxville, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 14, 1923, from the State of Tennessee into the State of Kentucky, of a quantity of ice cream which was adulterated and misbranded. The article was labeled in part: (Tag) "From Racy Cream Co., Knoxville, Tenn. 'The Cream Supreme.'"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 3.27 per cent of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for ice cream, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "The Cream Supreme," borne on the tag attached to the tub containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of ice cream, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of ice cream, whereas, in truth and in fact, it did not so consist but did consist of a product deficient in milk fat.

On January 15, 1924, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $80 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12436. Adulteration of raisins. U. S. v. Antonia Brucia. Plea of guilty. Fine, $1. (F. & D. No. 15072. I. S. No. 13466–r.)

On June 2, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonia Brucia, trading as A. Brucia, Fresno, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 4, 1920, from the State of California into the State of New York, of a quantity of raisins which were adulterated.

Examination by the Bureau of Chemistry of this department of 18 portions taken from the consignment showed that 14 portions were fermented, moldy, and rotten, some showed the presence of maggots, and 4 portions were composed of sticks, stems, and immature and rotten raisins, evidently cleaning refuse from good raisins.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $1.

HOWARD M. GORE, *Secretary of Agriculture.*

12437. Misbranding and alleged adulteration of butter. U. S. v. 29 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18486. I. S. No. 2359–v. S. No. E–4777.)

On March 11, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 boxes of butter remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Sugar Creek Creamery, Danville, Ill., alleging that the article had been shipped from Danville, Ill., February 21, 1924, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled, "2 Pounds Net," and the remainder thereof was labeled, "3 Pounds Net."

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed

and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged for the further reason that the statement, "3 Pounds Net," was false and misleading and deceived and misled the purchaser.

On June 19, 1924, the Sugar Creek Creamery Co., Danville, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered on the ground that the product was misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12438. Adulteration of frozen cherries. U. S. v. 29 Full Barrels of Frozen Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18776. I. S. No. 2975–v. S. No. E–4862.)

On June 6, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 full barrels of frozen cherries remaining in the original unbroken packages at Philadelphia, Pa., consigned by the New York Canning Crops Assoc., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on or about April 3, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag on barrel) "Frozen Cherries Perishable Please Rush Delivery Keep In A Cool Place * * * From New York Canning Crops Cooperative Association, Inc. * * * Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 7, 1924, Thomas E. Wright having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12439. Adulteration and misbranding of jelly. U. S. v. 80 Cases of Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17664. I. S. No. 3321–v. S. No. E–4449.)

On or about July 30, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 cases, each containing 4 dozen jars, of jelly, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Gibbs Preserving Co., from Baltimore, Md., on or about June 7, 1923, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Gibbs' Bull Head Brand Apple Jelly 6 Oz. Net Weight Gibbs Preserving Co. Baltimore Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pectin, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that pectin jelly had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Apple Jelly 6 Oz. Net Weight," which said statements were false and misleading and deceived and misled the purchaser, since the article consisted of pectin jelly and the tumblers contained less than 6 ounces of the said article. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, apple jelly, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On September 6, 1923, the Gibbs Preserving Co., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $512, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12440. Adulteration and misbranding of cottonseed meal. U. S. v. The Buckeye Cotton Oil Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 17795. I. S. Nos. 303–v, 3292–v.)

On February 2, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, Augusta, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about November 14, 1922, from the State of Georgia into the State of Connecticut, and on or about January 31, 1923, from the State of Georgia into the State of South Carolina, of quantities of cottonseed meal, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the article was labeled in part: (Tag) "Surety Brand Cotton Seed Meal * * * Guarantee Protein Not less than 36.00 per cent Equivalent to Ammonia 7.00 per cent * * * Fibre Not more than 14.00 per cent." The remainder of the said article was labeled in part: (Tag) "Cottonseed Meal Manufactured By The Buckeye Cotton Oil Company Augusta, Georgia * * * 36.00 Per Cent Protein C/S Meal Good Quality * * * Guaranteed Analysis Protein 36.00%, * * * Fibre 12.00%."

Analysis by the Bureau of Chemistry of this department of a sample of the article consigned November 14, 1922, showed that it contained 34.44 per cent of protein, 6.70 per cent of ammonia, and 14.44 per cent of fiber. Analysis by said bureau of a sample from the remaining consignment showed that it contained 34.94 per cent of protein and 13.70 per cent of fiber and that it was inferior to good quality cottonseed meal.

Adulteration of the product consigned January 31, 1923, was alleged in the information for the reason that a product inferior to a good quality cottonseed meal had been substituted for good quality cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Protein Not less than 36.00 per cent Equivalent to Ammonia 7.00 per cent * * * Fibre Not more than 14.00 per cent," borne on the tags attached to the sacks containing the product consigned November 14, 1922, and the statements, to wit, "C/S Meal Good Quality," "Guaranteed Analysis Protein 36.00% * * * Fibre 12.00%," borne on the sacks containing the product consigned January 31, 1923, were false and misleading in that the said statements represented that the former product contained not less than 36 per cent of protein, the equivalent of 7 per cent of ammonia, and contained not more than 14 per cent of fiber, and that the latter product was good quality cottonseed meal and contained not less than 36 per cent of protein and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former product contained not less than 36 per cent of protein, the equivalent of 7 per cent of ammonia, and contained not more than 14 per cent of fiber, and that the latter product was good quality cottonseed meal and contained not less than 36 per cent of protein and not more than 12 per cent of fiber, whereas, in truth and in fact, the article contained less protein and more fiber than was declared on the respective labels, and the product consigned January 31, 1923, was not good quality cottonseed meal but did consist of a product inferior to good quality cottonseed meal.

On April 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12441. Adulteration and misbranding of potatoes. U. S. v. 19 Hampers of Potatoes. Default decree ordering destruction of product. (F. & D. No. 17481. I. S. No. 5467–v. S. No. C–3971.)

On April 30, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 hampers of potatoes remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Hi-Ball Celery & Vegetable Co., Chicago, Ill., April 21, 1923, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From Hi-Ball C. & V. Co. Chicago," and was invoiced, "20 Hprs New Potatoes."

Adulteration of the article was alleged in the libel for the reason that old potatoes had been substituted wholly or in part for new potatoes, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 16, 1923, no claimant having appeared for the property and the United States attorney having filed an affidavit to the effect that the product was decomposed, it was ordered by the court that the said product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12442. Misbranding of oil. U. S. v. 20 Cans, et al., of Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17476. I. S. Nos. 1835–v, 1839–v, 1840–v. S. No. E–4371.)

On April 26, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cans of oil, at Manchester, N. H., alleging that the article had been shipped by the Aeolian Importing Corp. from Boston, Mass., on or about March 14, 1923, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Adriatic Brand Superior Quality Oil * * * Net Contents One Gallon" (or "Net Contents one Quart"). The remainder of the said article was labeled in part: "Extra Fine Oil * * * Splendor Brand Vegetable Oil * * * Net Contents 1 Gallon."

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents One Quart," and "Net Contents 1 Gallon," appearing on the labels of the respective-sized cans containing the article, were false and misleading in that they represented that the said cans contained 1 gallon net or 1 quart net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon net or 1 quart net, as the case might be, whereas, in truth and in fact, the said cans did not contain 1 gallon or 1 quart, as the case might be, of the said article, but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantities stated were not correct.

On July 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12443. Adulteration of canned salmon. U. S. v. 997 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond to be recanned. (F. & D. No. 18287. I. S. No. 15054–v. S. No. E–4729.)

On February 2, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 997 cases of canned salmon, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by the Beauclaire Packing Co., from Seattle, Wash., October 29, 1923, and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 1, 1924, the Beauclaire Packing Co., Seattle, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,500, in conformity with section 10 of the act, conditioned in part that it be salvaged by actual recanning under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12444. Misbranding of butter. U. S. v. Alliance Creamery Co., a Corporation. Plea of guilty. Fine, $10. (F. & D. No. 18589. I. S. No. 11925–v.)

On June 27, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alliance Creamery Co., a corporation, Alliance, Nebr., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 18, 1923, from the State of Nebraska into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Ask For The ⟨A⟩ Brand Fancy Creamery Butter Alliance Creamery Company. Alliance, Neb. One Pound Net."

Examination by the Bureau of Chemistry of this department of 250 packages from the consignment showed that the said packages contained an average of 15.71 ounces net of butter.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading in that it represented that each of said packages contained 1 pound net of the said article and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10.

HOWARD M. GORE, *Secretary of Agriculture.*

12445. Adulteration of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18861. I. S. No. 18987–v. S. No. C–4435.)

On July 15, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 tubs of butter at Chicago, Ill., alleging that the article had been shipped by the Farm B. C. Assoc. from Westfield, Wis., July 7, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On July 18, 1924, the Lenters-Stenger Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department to contain not less than 80 per cent of milk fat and not more than 16 per cent of water.

HOWARD M. GORE, *Secretary of Agriculture.*

12446. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18816. I. S. No. 13276–v. S. No. E–4874.)

On July 10, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hazel Green Creamery Co. from Ryan, Iowa, June 10, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been in part abstracted from the article.

On July 22, 1924, the Hazel Green Creamery Co., Delhi, Iowa, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12447. Adulteration and misbranding of Madagascar Lima beans. U. S. v. 23 Bags of Madagascar Lima Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18298. I. S. No. 9311–v. S. No. C–4278.)

On or about February 14, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 bags of Madagascar Lima beans remaining in the original unbroken packages at Concordia, Kans., alleging that the article had been shipped by N. Abramovitz & Co., New York, N. Y., on or about November 7, 1923, and transported from the State of New York into the State of Kansas, and charging adulteration and misbranding, in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the contents was not plainly and conspicuously marked on the outside of the package.

During the month of June, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12448. Misbranding of feed. U. S. v. Royal Feed & Milling Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 16573. I. S. Nos. 11977–t, 11978–t, 11980–t.)

On February 27, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Royal Feed & Milling Co., a corporation, organized and existing under the laws of Delaware and having a place of business at Jackson, Miss., and theretofore trading at New Orleans, La., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about October 26 and November 11, 1921, respectively, from the State of Louisiana into the State of Mississippi, of quantities of feed which was misbranded. The article was labeled variously, in part: "Brownie Horse and Mule Manufactured By Royal Feed & Milling Co., Memphis, Tenn. Jackson, Miss. New Orleans, La. Guaranteed Analysis Protein 9.00 Per Cent"; "U-Lik-A Sweet Feed Manufactured By Royal Feed & Milling Co. Memphis, Tenn. Jackson, Miss. New Orleans, La. Guaranteed Analysis Protein 9.00 Per Cent"; "Aunt Mandy Horse & Mule Manufactured By Royal Feed & Milling Co. New Orleans Protein 9.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample taken from each of the three consignments of the article showed that the said samples contained 6.13 per cent, 6.83 per cent, and 7.67 per cent of protein, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 9.00 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 9 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein, whereas, in truth and in fact, it did contain less than 9 per cent of protein, to wit, the three samples containing 6.13 per cent, 6.83 per cent, and 7.67 per cent, respectively.

On April 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12449. Adulteration and misbranding of apple jelly. U. S. v. The Stebbins Co., Inc., a Corporation. Plea of guilty. Fine, $150. (F. & D. No. 18318. I. S. No. 3368–v.)

On April 21, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Stebbins Co. (Inc.), a corporation, Savannah, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about January 20, 1923, from the State of Georgia into the State of North Carolina, of a quantity of apple jelly which was adulterated and misbranded. The article was labeled in part: (Jar) "Stebbins Apple Jelly Packed By The Stebbins Co. Inc. Savannah, Ga. 1 Lb. 4 Ozs."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was pectin jelly and not apple jelly.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, pectin jelly, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for apple jelly, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Apple Jelly," borne on the labels attached to the jars containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of apple jelly, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of apple jelly, whereas, in truth and in fact, it did not so consist, but did consist in part of pectin jelly. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, apple jelly.

On June 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

HOWARD M. GORE, *Secretary of Agriculture.*

12450. Adulteration of Brazil nuts. U. S. v. 4 Barrels of Brazil nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18215. I. S. No. 6754–v. S. No. C–1232.)

On December 22, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 barrels of Brazil nuts remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Habicht Braun & Co., Chicago, Ill., on or about November 16, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Habicht Braun & Co., Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 20, 1924, the United Bakers' Supply Co., St. Louis, Mo., having appeared as claimant for the property and the matters involved having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12451–12500

[Approved by the Secretary of Agriculture, Washington, D. C., December 16, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12451. Adulteration of Brazil nuts. U. S. v. 5 Barrels of Brazil Nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18252. I. S. No. 6755–v. S. No. C–4233.)

On December 29, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 barrels of Brazil nuts remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Wood Selick Co., Chicago, Ill., on or about November 15, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 20, 1924, the United Bakers' Supply Co., St. Louis, Mo., having appeared as claimant and the matters involved having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12452. Misbranding of butter. U. S. v. Fred L. Hilmer (Fred L. Hilmer Co.). Plea of guilty. Fine, $202. (F. & D. No. 17695. I. S. Nos. 11257–v, 11266–v.)

On November 10, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred L. Hilmer, trading as Fred L. Hilmer Co., San Francisco, Calif., alleging that the said defendant did deliver for shipment from the State of California into the Territory of Hawaii, in violation of the food and drugs act, on or about March 28 and April 24, 1923, respectively, two consignments of butter which was misbranded. The article was labeled in part: "1 Pound Net Weight Hilmer's Golden Poppy Brand Finest Quality Creamery Butter * * * Fred L. Hilmer Co. Distributers San Francisco, Cal."

Examination by the Bureau of Chemistry of 180 packages from each of the consignments showed that these samples averaged 15.83 ounces and 15.79 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Pound Net Weight," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas,

in truth and in fact, each of the said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $202.

HOWARD M. GORE, *Secretary of Agriculture.*

12453. Adulteration and misbranding of butter. U. S. v. 40 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18837. I. S. No. 15490–v. S. No. E–4911.)

On June 26, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 14, 1924, alleging that the article had been shipped by the Miller-Rose Co., La Crosse, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration and misbranding, in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1924, the Miller-Rose Co., La Crosse, Wis., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12454. Adulteration of Limonada Gaseosa. U. S. v. 6,000 Bottles of Limonada Gaseosa. Default decree entered for Government. Product ordered destroyed. (F. & D. No. 18565. I. S. No. 3547–v. S. No. E–4804.)

On March 25, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,000 bottles of Limonada Gaseosa, at Culebras, P. R., alleging that the article was being offered for sale and sold in the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Cont. M./M. 285 Mlts. Fabrica de sodas Polo Norte Rivero & Co., Tetuan 26 San Juan, P. R. Limonada Gaseosa."

Adulteration of the article was alleged in the libel for the reason that a solution of saccharin had been substituted in part for the said article, and for the further reason that it contained an added poisonous or other deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On June 4, 1924, no claimant having appeared for the property, judgment was entered in favor of the Government, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12455. Adulteration and misbranding of oats. U. S. v. 250 Sacks of Oats. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18787. I. S. No. 18785–v. S. No. E–3934.)

On June 16, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of oats remaining in the unbroken packages at Athens, Ga., alleging that the article had been shipped by Thistlewood & Co., Cairo, Ill., on or about June 7, 1924, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Crescent * * * Brand Sample Oats Sulfur Bleached 159¼ Lbs. Net

When Packed" (stencil in small illegible type) "Contains Small Percent Screenings."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, wild oats, barley, unthreshed wheat, weed seeds, and stems, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its strength and quality and had been substituted in part for oats.

Misbranding was alleged for the reason that the designation "Sample Oats" was false and misleading and deceived and misled the purchaser into the belief that the article was sample oats, whereas in truth it was not but was a mixture of wild oats, barley, unthreshed wheat, weed seeds, and stems, and for the further reason that it was offered for sale under the distinctive name of another article, to wit, oats.

On July 7, 1924, Thistlewood & Co., Cairo, Ill., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $650, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Mixed Grain Composed of Oats, Barley, Unthreshed Wheat, Weed Seeds, and Stems."

HOWARD M. GORE, *Secretary of Agriculture.*

12456. Misbranding of cottonseed meal. U. S. v. Texas Refining Co., a Corporation. Plea of guilty. Fine, $150. (F. & D. No. 17908. I. S. Nos. 11299–v, 11428–v.)

On February 1, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Texas Refining Co., a corporation, Greenville, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 26 and January 31, 1923, respectively, from the State of Texas into the State of Colorado, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Prime Quality Manufactured by Texas Refining Company Greenville, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per cent." A portion of the article bore a second tag containing the statement: "Protein not less than 43.00%."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed that the said samples contained 40.54 per cent and 40.45 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing both consignments of the article, and the statement, to wit, "Guaranteed Analysis Protein not less than 43.00%," borne on a second tag attached to the sacks containing a portion of the said article, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, the said consignments containing approximately 40.54 per cent and 40.45 per cent, respectively, of protein.

On May 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

HOWARD M. GORE, *Secretary of Agriculture.*

12457. Adulteration and misbranding of butter. U. S. v. Montello, Buffalo & Shields Creamery Co., a Corporation. Plea of guilty. Fine, $10. (F. & D. No. 18353. I. S. No. 4223–v.)

On May 6, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Montello, Buffalo & Shields Creamery Co., a corporation, Montello, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 4, 1923, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated and misbranded.

Analysis of 6 samples of the article by the Bureau of Chemistry of this department showed that the average moisture content of the samples of the

product examined was 17.67 per cent and the average fat content of said samples was 79.03 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent of milk fat had been substituted for butter, a product which, as prescribed by the act of March 4, 1923, should contain not less than 80 per cent by weight of milk fat.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10.

HOWARD M. GORE, *Secretary of Agriculture.*

12458. Misbranding of olive oil. U. S. v. 840 Cans of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16188. I. S. No. 5553-t. S. No. E-3794.)

On March 4, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 840 cans of olive oil at Providence, R. I., alleging that the article has been shipped by Poleti & Co., Inc., from New York, N. Y., on or about November 7, 1921, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contains One Quart Full Measure Poleti & Co."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contains One Quart Full Measure," borne on the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained 1 quart net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 1 quart net of the article, whereas, in truth and in fact, each of said cans did not contain 1 quart net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Contains One Quart Full Measure," was incorrect and represented more than the actual contents of the package.

On July 2, 1924, Poleti & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $450, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12459. Adulteration of canned salmon. U. S. v. 800 Cases of Salmon. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18075. I. S. No. 19312-v. S. No. C-4195.)

On November 20, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 800 cases of salmon at Memphis, Tenn., alleging that the article had been shipped by the Sanitary Fish Co., from Anacortes, Wash., on or about September 5, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Double "Q" * * * Select Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 30, 1924, P. E. Harris & Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the costs be assessed against the said claimant and surety.

HOWARD M. GORE, *Secretary of Agriculture.*

12460. Adulteration and misbranding of linseed oil meal. U. S. v. 80 Sacks of Linseed Oil Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18718. I. S. No. 13711–v. S. No. E–4855.)

On June 3, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 sacks of linseed oil meal remaining in the original unbroken packages at Nazareth, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., on or about March 13, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the packages containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "100 Pounds 34% Protein. Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 34 Minimum Fat 6 Maximum Fiber 10," which were false and misleading in that the said statements represented that the article contained 34 per cent of protein, when in fact it did not.

On July 21, 1924, the Flory Milling Co., Nazareth, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $50, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12461. Adulteration and misbranding of dairy feed. U. S. v. 32 Sacks of Dairy Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18160. I. S. No. 7193–v. S. No. C–4227.)

On December 14, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 sacks of dairy feed at Boyles, Ala., alleging that the article had been shipped by the Mississippi Elevator Co., from Memphis, Tenn., on or about October 19, 1923, and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding, in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "100 Lbs. Net When Sacked Prize Dairy * * * Guaranteed Analysis: Protein Minimum 24.00 * * * Manufactured By Mississippi Elevator Co., Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed with and substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement in the label, "Protein Minimum 24.00," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1924, the Mississippi Elevator Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that the product be properly labeled, particularly with the words "Protein 21½ per cent," and that the sacks be filled to 100 pounds net.

HOWARD M. GORE, *Secretary of Agriculture.*

12462. Adulteration of coal-tar color. U. S. v. 1 Can of Coal-Tar [Color]. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14674. I. S. No. 12756-t. S. No. C-2896.)

On March 26, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar [color] at Sulphur Springs, Texas, alleging that the article had been shipped by the Wood Mfg. Co., St. Louis, Mo., [on or about] March 2, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "5 Lbs. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Number 10 Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with a substitute [and substituted] wholly or in part for the said article, and for the further reason that it contained an added poisonous and deleterious ingredient, arsenic, which rendered it injurious to health.

On February 18, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12463. Adulteration of butter. U. S. v. 97 Barrels, More or Less, of Packing Stock Butter. Decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18159. I. S. No. 599-v. S. No. E-4618.)

On December 13, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 97 barrels, more or less, of packing stock butter, at Jersey City, N. J., alleging that the article had been shipped by the Central Produce Co., Temple, Texas, on or about June 6, 1923, and that a certain quantity of the product had been added en route by the consignee at Dallas, Texas, and that the product had been transported from the State of Texas into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 20, 1924, Fred D. Oetjen having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be shipped to Middletown, Md., to be reconditioned. Subsequently an amended decree was entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $8,000, in conformity with section 10 of the act, conditioned that the product be examined by a representative of this department and such portion as was fit for manufacture into renovated butter be shipped to Kansas City, Mo., the product to be again examined by this department and the good portion released for food purposes and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12464. Adulteration and misbranding of canned cherries. U. S. v. 40 Cases of Canned Cherries. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16821. I. S. No. 549-t. S. No. C-3806.)

On September 19, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of canned cherries at Tiffin, Ohio, alleging that the article had been shipped by Mikesell & Co. from Traverse City, Mich., on or about July 13, 1922, and transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Grand Traverse Brand * * * Red Pitted Sour Cherries in Juice Contents Number 2 Can 1 Lb. 3 oz. Number 10 Can 6 Lbs. 9 oz. * * * Mikesell & Company Traverse City, Michigan."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "Pitted Sour Cherries in Juice," was false and misleading and deceived or misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was [not]' plainly and conspicuously marked on the outside of the package.

On January 9, 1924, Mikesell & Co., Traverse City, Mich., having filed an answer to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12465. Adulteration and misbranding of vinegar. U. S. v. Hewlett Bros. Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 18347. I. S. Nos. 11533–v, 11534–v.)

On May 17, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hewlett Bros. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about December 5, 1922, from the State of Utah into the State of Idaho, of quantities of vinegar which was adulterated and misbranded. The article was labeled in part: (Bottle) "Hewlett's Supreme Distilled Pure Malt Vinegar * * * Hewlett Bros. Co. Salt Lake City Utah."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that one portion of the product was uncolored distilled vinegar and that the other portion was distilled vinegar colored with caramel.

Adulteration was alleged with respect to a portion of the article for the reason that an artificially-colored distilled vinegar had been substituted for distilled pure-malt vinegar, which the article purported to be, and for the further reason that the article was a product inferior to distilled pure-malt vinegar, to wit, a distilled vinegar artificially colored with caramel so as to simulate the appearance of distilled pure-malt vinegar in a manner whereby its inferiority to said distilled pure-malt vinegar was concealed.

Adulteration was alleged with respect to the remainder of the article for the reason that a distilled vinegar had been substituted for distilled pure-malt vinegar, which the said article purported to be.

Misbranding was alleged with respect to all of the product for the reason that the statement, to wit, "Distilled Pure Malt Vinegar," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was distilled pure-malt vinegar, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was distilled pure-malt vinegar, whereas, in truth and in fact, it was not distilled pure-malt vinegar, but was distilled vinegar, a portion of which was artificially colored. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, distilled pure-malt vinegar.

On May 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12466. Adulteration and misbranding of vinegar. U. S. v. National Tea Importing Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 18348. I. S. No. 11535–v.)

On May 21, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Tea Importing Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about March 20, 1923, from the State of Utah into the State of Idaho, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: (Bottle) "20 Ozs. Shamrock Brand 50 Grain Malt Vinegar Colored Packed by National Tea Importing Co. Salt Lake, Utah."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of distilled vinegar colored with caramel.

Adulteration of the article was alleged in the information for the reason that an artificially-colored distilled vinegar had been substituted for malt vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Malt Vinegar," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was malt vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was malt vinegar, whereas, in truth and in fact, it was not malt vinegar but was an artificially-colored distilled vinegar. Misbranding was alleged for the further reason that the article was an artificially-colored distilled vinegar prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, malt vinegar.

On June 3, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12467. Misbranding of dairy feed. U. S. v. Arkadelphia Milling Co., a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17705. I. S. No. 9819–v.)

On December 10, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arkadelphia Milling Co., a corporation, Arkadelphia, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about October 12, 1922, from the State of Arkansas into the State of Texas, of a quantity of dairy feed which was misbranded. The article was labeled in part: (Tag) "100 Pounds (Net) Clover Leaf 24% Dairy Feed * * * Manufactured by Arkadelphia Milling Company Arkadelphia, Arkansas Guaranteed Analysis: Crude Protein not less than 24.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 20.75 per cent of crude protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Crude Protein not less than 24.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 24 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 24 per cent of crude protein, whereas, in truth and in fact, it did contain less than 24 per cent of crude protein, to wit, 20.75 per cent of crude protein.

On March 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Secretary of Agriculture.*

12468. Misbranding of feed. U. S. v. Mississippi Elevator Co., a Corporation. Plea of guilty. Fine, $20 and costs. (F. & D. No. 17521. I. S. No. 10727–v.)

On July 18, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Elevator Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about September 7, 1922, from the State of Tennessee into the State of Mississippi, of a quantity of feed which was misbranded. The article was labeled in part: "Karomel Korn Horse & Mule Feed (Sweet) Made in Memphis, Tennessee By Mississippi Elevator Company * * * Guaranteed Analysis Protein minimum 10.00."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.60 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein Minimum 10.00," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients

and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 10 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, whereas, in truth and in fact, it did contain less than 10 per cent of protein, to wit, 8.6 per cent of protein.

On November 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12469. Adulteration of shell eggs. U. S. v. Wyatt Ervin Akers and Cary P. Painter (W. E. Akers & Co.). Plea of guilty. Fine, $25. (F. & D. No. 17075. I. S. No. 1108–v.)

On February 23, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wyatt Ervin Akers and Cary P. Painter, copartners, trading as W. E. Akers & Co., Honaker, Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 27, 1922, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 101 eggs, or 11.2 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Secretary of Agriculture.*

12470. Adulteration of shell eggs. U. S. v. John D. Borden. Plea of guilty. Fine, $25. (F. & D. No. 17807. I. S. No. 698–v.)

On January 16, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John D. Borden, Toms Brook, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 23, 1923, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 23 eggs, or 6.3 per cent of the total, were inedible, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 29, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Secretary of Agriculture.*

12471. Misbranding of butter. U. S. v. Waynesboro Co-Operative Creamery (Inc.), a Corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 17818. I. S. Nos. 361–v, 536–v.)

On January 16, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Waynesboro Co-Operative Creamery (Inc.), a corporation, Waynesboro, Va., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about May 9 and July 23, 1923, respectively, from the State of Virginia into the State of New Jersey, of quantities of butter which was misbranded. The portion of the product consigned July 23, 1923, was labeled in part: "W. C. C. Butter * * * Waynesboro Co-Op. Creamery Waynesboro, Virginia * * * One Pound Net." The remaining consignment bore no labels or statements relative to weight.

Examination by the Bureau of Chemistry of this department of the product consigned July 23, 1923, showed that the average weight of 50 packages was 15.83 ounces.

Misbranding of the product consigned July 23, 1923, was alleged for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that it represented that each of said packages contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the said article but did contain a less amount. Misbranding was alleged with respect to the product involved in both consignments for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 29, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12472. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18825. I. S. No. 17954–v. S. No. C–4424.)

On June 23, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter, alleging that the article had been shipped by the Thorpe Dairy Co., from Thorpe, Wis., June 12, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of said article, to wit, butterfat, had been in part abstracted therefrom.

On June 30, 1924, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12473. Misbranding of Plough's Prescription C–2223. U. S. v. 52 Bottles, et al., of Plough's Prescription C–2223. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17342, 17343, 17344. I. S. Nos. 4492–v, 4493–v, 4494–v, 4495–v, 4496–v. S. Nos. C–3921, C–3922, C–3923.)

On March 21, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 125 small bottles and 96 large bottles of Plough's Prescription remaining in the original unbroken packages at Louisville, Ky., consigned by the Plough Chemical Co., Memphis, Tenn., in various shipments, between the dates of September 11 and December 16, 1922, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Kentucky, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide, colchicum extract, a trace of salicylic acid, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article, (bottles, both sizes) "A Blood Purifier Recommended For Treatment Of Rheumatism * * * In severe cases, take * * * until

relieved," (carton, large size) "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood," (carton, small size) "Blood Purifier Recommended for disorders caused by impure blood, as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions," (circular, both sizes) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back, Blood Disorders, Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C–2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases after the continued use of or treatment with Prescription C–2223 * * * for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C–2223 * * * 'In * * * conditions due to tainted blood, it acts as a specific' * * * the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases * * * Prescription C–2223 has relieved * * * many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 15, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12474. Adulteration of shell eggs. U. S. v. 6 Cases of Eggs. Default decree ordering product to be salvaged and edible portion sold. (F. & D. No. 17735. I. S. No. 6352–v. S. No. C–4083.)

On July 18, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of eggs, at Memphis, Tenn., consigned July 16, 1923, alleging that the article had been shipped by Nunally & Britton, Eaton, Ark., and transported from the State of Arkansas into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 7, 1923, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be salvaged and the edible portion sold.

HOWARD M. GORE, *Secretary of Agriculture.*

12475. Misbranding of peaches. U. S. v. Standard Growers Exchange, a Corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 16223. I. S. No. 673–t.)

On May 15, 1922, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard Growers Exchange, a corporation, trading at Macon, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 19, 1921, from the State of Georgia into the State of Illinois, of a quantity of peaches which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 27, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12476. Misbranding of canned shrimp. U. S. v. 27 Cases, et al., of Shrimp. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 18495. I. S. No. 22226-v. S. No. E-3909.)

On or about March 29 and April 1, 1924, respectively, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 212½ cases, each containing 48 cans of shrimp, at Portland, Me., alleging that the article had been shipped by the Marine Products (Inc.), Biloxi, Miss., on or about September 14, 1923, and transported from the State of Mississippi into the State of Maine, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Seafooco Brand Shrimp * * * Wet Pack Packed By Sea Food Co., Biloxi, Miss. * * * 5¾ ozs. Shrimp."

Misbranding of the article was alleged in the libels for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the statement, "5¾ ozs.," appearing in the label, was false and misleading and deceived and misled the purchaser in that the said statement purported that each of the cans contained 5¾ ounces of shrimp, whereas, in fact and in truth, the said cans did not contain that amount.

On May 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12477. Adulteration and misbranding of dairy feed. U. S. v. Francis X. Murphy and Patrick J. Shouvlin (Superior Feed Co.). Pleas of guilty. Fine, $100 and costs. (F. & D. No. 18323. I. S. No. 3341-v.)

On May 6, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francis X. Murphy and Patrick J. Shouvlin, trading as the Superior Feed Co., Memphis, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about May 10, 1923, from the State of Tennessee into the State of Florida, of a quantity of dairy feed, which was adulterated and misbranded. The article was labeled in part: (Tag) "Jersey Creme Dairy Feed Manufactured By Superior Feed Co., Memphis, Tenn. Guaranteed Analysis: Protein 24 * * * Fat 5 Fibre 12 Ingredients Cotton Seed Meal, Corn Feed Meal, Wheat Bran, Wheat Shorts, Peanut Meal, Alfalfa Meal, Salt, Beet Pulp, Linseed Meal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 20.75 per cent of protein, 3.60 per cent of fat, and 13.68 per cent of fiber. Examination by said bureau showed that the product contained no peanut meal and beet pulp and only a trace of linseed meal, if any.

Adulteration of the article was alleged in the information for the reason that a product which contained no peanut meal, no beet meal, and only a trace of linseed meal, if any, had been substituted for a product which contained peanut meal, beet pulp, and linseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis: Protein 24 * * * Fat 5 Fibre 12" and "Ingredients Cotton Seed Meal, Corn Feed Meal, Wheat Bran, Wheat Shorts, Peanut Meal, Alfalfa Meal, Salt, Beet Pulp, Linseed Meal," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 24 per cent of protein, not less than 5 per cent of fat, and not more than 12 per cent of fiber, and that it was composed in part of peanut meal, beet pulp, and linseed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 24 per cent of protein, not less than 5 per cent of fat, and not more than 12 per cent of fiber, and that it was composed in part of peanut meal, beet pulp, and linseed meal, whereas, in truth and in fact, it did contain less than 24 per cent of protein, less than 5 per cent of fat, and more than 12 per cent of fiber, and the said article was not composed in part of peanut meal, beet pulp, and lin-

seed meal, in that it contained no peanut meal, no beet pulp, and only a trace of linseed meal, if any.

On June 23, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12478. Adulteration of shell eggs. U. S. v. Lonzo Caldemeyer (Elkhart Poultry & Egg Co.). Plea of guilty. Fine, $50 and costs. (F. & D. No. 16971. I. S. No. 5112–v.)

On March 1, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lonzo Caldemeyer, trading as Elkhart Poultry & Egg Co., Elkhart, Kans., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 22, 1922, from the State of Kansas into the State of Missouri, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Case) "From Elkhart Poultry & Egg Company * * * Elkhart, Kansas."

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 64, or 8.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12479. Adulteration of shell eggs. U. S. v. James A. Williamson and Mary C. Williamson (Williamson Mercantile Co.). Plea of guilty by James A. Williamson. Fine, $50 and costs. (F. & D. No. 17605. I. S. No. 7591–v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James A. Williamson and Mary C. Williamson, copartners, trading as Williamson Mercantile Co., Johnson, Kans., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 23, 1922, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Case) "From Williamson Mer. Co. Johnson, Kans."

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed that 101, or 28.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, the court having allowed James A. Williamson to plead for both defendants, a plea of guilty to the information was entered, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12480. Adulteration of chloroform. U. S. v. 600 Tin Packages and 1,000 Tin Packages of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16435, 16448. I. S. Nos. 9528–t, 9529–t, 9531–t. S. Nos. E–3962, E–3963, E–3974.)

On June 19 and June 22, 1922, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,600 tin packages of chloroform remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped from New York, N. Y., in various consignments, namely, on March 15, April 4, and May 13, 1922, respectively, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform for Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that they were turbid, that upon evaporation they left

a foreign odor, and that they contained hydrochloric acid or other chloride, impurities decomposable by sulphuric acid, and chlorinated decomposition compounds.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia official at the time of investigation.

On July 26, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12481. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co., a Corporation. Plea of guilty. Fine, $150 and costs. (F. & D. No. 18357. I. S. No. 11573–v.)

On May 8, 1924, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Creamery Co., a corporation, trading at Reno, Nev., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 23, 1923, from the State of Nevada into the State of California, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Maid O'Clover Butter One Pound Net Guaranteed By Mutual Creamery Company * * * Salt Lake City, Utah."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was deficient in milk fat. Examination by said bureau of 56 cartons of the product showed that the average net weight of the said article was 15.73 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net," borne on the packages containing the article, were false and misleading in that the said statements represented that the article consisted wholly of butter, that it was a product which contained not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and that each of the said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of butter but did consist of a product deficient in milk fat, it did not contain 80 per cent by weight of milk fat but did contain a less amount, and each of said packages did not contain 1 pound net but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 20, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12482. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18827. I. S. No. 16617–v. S. No. E–4941.)

On June 21, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases, each containing 30 pounds of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Hawkins County Creamery Co., from Rogersville, Tenn.,

on or about June 13, 1924, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Dairy Belle Pure * * * Sweet Creamery Butter * * * Hawkins County Creamery Rogersville, Tennessee. * * * One Pound Net When Packed."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing in the label, "One Pound Net When Packed," was false and misleading and deceived and misled the purchaser into the belief that each of the cartons contained 1 pound net weight of butter, whereas, in truth, the said cartons did not contain 1 pound net weight of butter. Misbranding was alleged for the further reason that the article was food in package form and the contents was not plainly and conspicuously marked on the outside of the said package.

On July 11, 1924, the Hawkins County Creamery, Rogersville, Tenn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that the product be relabeled to meet the requirements of the law.

HOWARD M. GORE, *Secretary of Agriculture.*

12483. Adulteration and misbranding of minced clams. U. S. v. 59 Cases of Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16385. I. S. No. 10969–t. S. No. W–1097.)

On June 12, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 cases of minced clams remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by F. C. Barnes Co. from South Bend, Wash., May 10, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, minced clams.

On August 1, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12484. Misbranding of Plough's Prescription C–2223. U. S. v. 19 Bottles and 5 Bottles of Plough's Prescription C–2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17370. I. S. Nos. 4499–v, 4500–v. S. Nos. C–3939, C–3940.)

On March 19, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 bottles, 50-cent size, and 5 bottles, $1.50 size, of Plough Prescription C-2223 remaining in the original packages at Louisville, Ky., consigned by the Plough Chemical Co., Memphis, Tenn., in various consignments, namely, May 1 and September 20, 1922, and January 24, 1923, respectively, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Kentucky, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide, colchicum extract, a trace of salicylic acid, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said

article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, small size) "A Blood Purifier Recommended For Treatment Of Rheumatism * * * In severe cases take * * * until relieved;" (carton, large size) "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions, Blood Disorders, Eczema, Chronic Sores and similar affections arising from bad blood;" (carton, small size) "Blood Purifier Recommended for disorders caused by impure blood As Eczema, Chronic Sores and constitutional blood diseases, Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid conditions;" (circular, small size) "A Reliable Blood Purifier * * * A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back, Blood Disorders, Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223 * * * 'In conditions due to tainted blood it acts as a specific;' * * * 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases' * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin;" (bottle label, large size) "For The Treatment of Rheumatic and Blood Disorders * * * In severe cases take * * * until relieved;" (circular, large size) "Recommended for Treatment of Rheumatism, Lumbago, Lame Back, Uric and Lactic Acid Conditions, Blood Disorders, Eczema, Chronic Sores, and Similar Diseases Caused by Bad Blood * * * A Treatment for Conditions Caused by Impure Blood * * * skin eruptions, swelling of the glands and joints, falling hair and sores on different parts of the body, limbs and face. * * * You can alleviate these troubles caused by bad blood by taking Prescription C-2223, a blood purifier of merit. The * * * ingredients * * * sweep out the impurities and purify the blood. * * * A Treatment for Uric, Lactic or Other Acid Conditions of the Blood * * * Sciatica, * * * Prescription C-2223 drives the poisons from the body by purifying the blood and eliminating the impurities."

On April 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12485. Adulteration and misbranding of oats. U. S. v. 250 Sacks of Oats. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled and reconditioned. (F. & D. No. 18649. I. S. No. 18043–v. S. No. E–3919.)

On May 9, 1924, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of oats, at Anderson, S. C., alleging that the article had been shipped by Embry E. Anderson, from Nashville, Tenn., on or about April 19, 1924, and transported from the State of Tennessee into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part "* * * Daisy Mixed Oats Other grains recleaned and bleached," the words "Daisy Mixed Oats" being in large letters and the words "Other grains" being in small inconspicuous type.

Adulteration of the article was alleged in the libel in that substances, to wit, screenings, added moisture, and salt, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation, "Daisy Mixed Oats Recleaned," was false and misleading and deceived and misled the purchaser in that the statement "Other grains" did not correct the misleading

impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 3, 1924, Embry E. Anderson, Memphis, Tenn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the moisture content be reduced to 13 per cent or under and that the product be relabeled to show that it was recleaned screenings and white oats, sulphur bleached, with added salt, and to give the correct weight of the contents of the said sacks.

HOWARD M. GORE, *Secretary of Agriculture.*

12486. Misbranding of tea. U. S. v. 2 Cases of Tea. Decree of condemnation, forfeiture, and sale, with proviso that the product might be released under bond if claimant appeared. (F. & D. No. 18293. I. S. No. 20612–v. S. No. W–1474.)

On February 14, 1924, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of tea remaining in the original unbroken packages at Buffalo, Wyo., alleging that the article had been shipped by the Early Coffee Co., Denver Colo., on or about January 30, 1924, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Pound Early's Breakfast * * * Tea * * * Guaranteed under the Pure Food and Drugs Act June 30, 1906. Packed by T. J. Early Coffee Co. Denver, Colo." The article was further labeled: "Japan," "Ceylon," or "Gunpowder," as the case might be.

Misbranding was alleged with respect to all the product for the reason that the labels stated that each of the packages contained 1 pound of the article, whereas each of said packages contained less than 1 pound, and for the further reason that the product was [food] in package form and the [quantity of the] contents was not plainly and correctly stated on the outside of the said packages. Misbranding was alleged with respect to a portion of the article for the reason that the statement "Ceylon," appearing on the labels of the cartons containing the said portion, was false and misleading in that it represented that the said cartons contained Ceylon tea, whereas, in truth and in fact, they did not, and for the further reason that the product was offered for sale under the distinctive name of another article, in that it was not Ceylon tea but was of another and inferior variety.

On March 20, 1924, no claimant having appeared for the property, with the exception of the Wyoming Railway Co., which claimed a lien for unpaid freight charges, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal and the freight charges paid, the decree providing, however, that upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, the product might be released to the owner, should such owner appear.

HOWARD M. GORE, *Secretary of Agriculture.*

12487. Adulteration of canned corn. U. S. v. 828 Cases of Canned Corn. Consent decree ordering product sold for hog feed. (F. & D. No. 18686. I. S. No. 5993–v. S. No. C–4028.)

On May 15, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 828 cases of canned corn remaining in the original unbroken packages at Jacksonville, Texas, alleging that the article had been shipped by C. W. Baker & Sons, from Middletown, Del., March 15, 1924, and transported from the State of Delaware into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Appo Brand * * * Hearts Of Corn And Sugar Corn * * * Packed by H. R. Baker, Odessa, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal [vegetable] substance.

On June 10, 1924, H. R. Baker, Odessa, Del., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, ordering that the product be sold for hog feed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12488. Misbranding of hog meal. U. S. v. 62 Bags of Hog Meal. Decree ordering release of product under bond to be relabeled. (F. & D. No. 18507. I. S. No. 22251–v. S. No. E–4786.)

On March 22, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 62 bags of hog meal remaining in the original unbroken packages at Hagerstown, Md., consigned on or about October 16, 1923, alleging that the article had been shipped by Swift & Co. from Newark, N. J., and transported from the State of New Jersey into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net. Swift's Gromeal * * * For Hogs Meat Blood Bone Manufactured By Swift & Company Newark, N. J. Guaranteed Analysis Protein 50%."

Misbranding of the article was alleged in the libel for the reason that the statement, "Guaranteed Analysis Protein 50%," was false and misleading and deceived and misled the purchaser in that the said statement represented that the article contained 50 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On April 29, 1924, Swift & Co. having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12489. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. 190 Sacks of Wheat Gray Shorts and Screenings. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18702. I. S. No. 12322–v. S. No. C–4378.)

On April 3, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 190 sacks of wheat gray shorts and screenings remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the Kansas Flour Mills Co., Kansas City, Mo., on or about March 11, 1924, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wheat Gray Shorts & Screenings * * * Guaranteed Analysis * * * Fiber, not more than 6.5% * * * The Kansas Flour Mills Company Kansas City, Missouri."

Adulteration of the article was alleged in the libel for the reason that fine-ground bran had been substituted in part for gray shorts.

It was further alleged in substance that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser in that the tag on the package containing the said article stated that the contents of the said package were "Wheat Gray Shorts & Screenings," while, in truth and in fact, fine-ground bran had been substituted in part for gray shorts, and for the further reason that the statement on the label to the effect that the article contained not more than 6.5 per cent of fiber was false, since the said article contained a larger amount of fiber than 6.5 per cent. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

During April, 1924, the Kansas Flour Mills Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product be rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

12490. Misbranding of butter. U. S. v. 9½ Cases and 2½ Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 18833. I. S. Nos. 16150–v, 16151–v. S. No. E–4883.)

On July 11, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 cases, each containing 30 1-pound prints, of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from North Wilkesboro, N. C., on or about June 20, 1924, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Our Special Brand * * * Made * * * by the Laurel Creamery Company, North Wilkesboro, N. C." The remainder of the said article was labeled in part: "Blue Ridge Valley Butter * * * Wilkes Co-operative Creamery North Wilkesboro, N. C."

Misbranding of the article was alleged in substance in the libels for the reason that the packages inclosing the article contained labels which bore statements regarding the said article which were false and misleading in that the said statements represented that the packages contained 1 pound of butter, or 1 pound net weight of butter, as the case might be, whereas in fact they did not. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 8, 1924, the Wilkes Co-Operative Creamery Co. having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $320, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12491. Adulteration and misbranding of gray wheat shorts and screenings. U. S. v. 400 Sacks and 400 Sacks of Gray Wheat Shorts and Screenings. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18377, 18378. I. S. Nos. 12305–v, 12306–v. S. Nos. C–4267, C–4268.)

On January 10, 1924, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 800 sacks of gray wheat shorts and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by T. C. Brunner & Son, from Omaha, Nebr., in two consignments, namely, on or about December 12 and December 14, 1923, respectively, and transported from the State of Nebraska into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Gray Wheat Shorts and Screenings Not more than 4% Wheat Screenings Guaranteed Analysis * * * Not More than 5.5% Crude Fibre T. C. Brunner & Son Omaha 100 Lbs. When Packed."

It was alleged in substance in the libels that the article was adulterated in that it was not gray wheat shorts but was wheat mixed feed and screenings, with a high crude-fiber content, namely 8.21 per cent crude fiber.

It was further alleged in substance that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser in that the tag on the packages containing the said article stated that the contents of the said packages were "Gray Wheat Shorts and Screening," while, in truth and in fact, the said contents were wheat mixed feed and screenings finely ground. Misbranding was alleged for the further reason that the article was in package form and the contents were not stated in terms of weight or measure correctly on the outside of the package in that the label stated that the said contents

were "100 Lbs. When Packed," when, in truth and in fact, the said contents were considerably less than 100 pounds. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that the name of the manufacturer or producer was not correctly given on the label of the said packages, the label representing that T. C. Brunner & Son, Omaha, were the manufacturers and producers of the said article, when, in truth and in fact, the Omaha Flour Mills Co. of Omaha, Nebr., were the manufacturers and producers and T. C. Brunner & Son were the brokers and distributors thereof.

On February 14 and 26, 1924, respectively, the Southard Feed & Milling Co., Kansas City, Kans., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

12492. Misbranding of grapes. U. S. v. James Marcelletti. Plea of guilty. Fine, $50. (F. & D. No. 17126. I. S. No. 178–v.)

On March 26, 1923, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Marcelletti, Paw Paw, Mich., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about September 28, 1922, from the State of Michigan into the State of New York, of a quantity of grapes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12493. Misbranding of cottonseed feed. U. S. v. Southern Cotton Oil Co., a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17798. I. S. No. 1458–v.)

On November 30, 1923, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Cotton Oil Co., a corporation, trading at Goldsboro, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1922, from the State of North Carolina into the State of Virginia, of a quantity of cottonseed feed which was misbranded. The article was labeled in part: (Tag) "Scoco Cottonseed Feed · Guaranteed Analysis Protein 36% * * * Manufactured By The Southern Cotton Oil Co. Charlotte, N. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.13 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 36%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, whereas, in truth and in fact, it did contain less than 36 per cent of protein, to wit, approximately 34.13 per cent of protein.

On June 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Secretary of Agriculture.*

12494. Adulteration and misbranding of jelly. U. S. v. 10 Cases of Jelly. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 17584. I. S. No. 3441–v. S. No. E–4420.)

On July 5, 1923, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of jelly, at Spartansburg, S. C., alleging that the article had been shipped by the Old Virginia Orchard Co. (Inc.), from Front Royal, Va., on or about June 29, 1922, and transported from the State of Virginia into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Maiden Blush Brand * * * Pure Apple Jelly Old Virginia Orchard Co. Inc. Front Royal, Va., U. S. A. Net Weight 6½ Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that a substance, pectin jelly, containing added phosphoric acid, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label on the jars containing the article bore the statements, "Pure Apple Jelly Net Weight 6½ Oz." together with a design showing a primitive manufacturing plant and container holding what are apparently apples and a section of an orchard, which were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be tendered to a charitable institution and, if refused, that it be destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12495. Adulteration of canned salmon. U. S. v. 750 Cases of Salmon. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18267. I. S. Nos. 5000–v, 19328–v, 19311–v. S. No. C–4213.)

On January 14, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 750 cases of salmon, at Memphis, Tenn., alleging that the article had been shipped by the Sanitary Fish Co. from Anacortes, Wash., on or about September 13, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Double "Q" * * * Select Pink Salmon Distributed By P. E. Harris & Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 30, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant, P. E. Harris & Co., Seattle, Wash., pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12496. Adulteration and misbranding of ground feed. U. S. v. 150 Sacks of Ground Feed, et al. Decree of condemnation and forfeiture. Product ordered sold or released under bond. (F. & D. Nos. 17570, 17660. I. S. Nos. 9181–v, 9185–v. S. Nos. C–3996, C–3999.)

On June 22 and July 18, 1923, respectively, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 150 sacks of ground feed and 406 sacks of ground barley, in part at Holmesville, Ohio, and in part at Lexington,

Ohio, alleging that the article had been shipped by the Cokato Milling Co., in part on or about March 26, 1923, from Galewood, Ill., and in part on or about April 11, 1923, from Minneapolis, Minn., and transported from the States of Illinois and Minnesota, respectively, into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Manufactured by Cokato Milling Co. Minneapolis, Minn."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in protein and containing excessive fiber had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Ajax * * * Feed Barley Average Analysis Protein 11% Fat, 1.5% Fibre 10% Carbohydrates 65%. Not To Exceed Country Run scrgs," appearing on the labels of a portion of the article, and the statements, "Ajax Ground Mixed Feed Barley Average Analysis Protein 11% Fat 1.5% Fibre 10% Carbohydrates 65% Not to Exceed Country Run scrgs," appearing on the labels of the remainder of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the remainder of the said article for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On August 20 and September 7, 1923, respectively, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, the decrees providing, however, that the product might be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12497. Adulteration and misbranding of color. U. S. v. W. B. Wood Mfg. Co., a Corporation, and W. B. Wood. Case dismissed as to W. B. Wood. Plea of guilty by W. B. Wood Mfg. Co. Fine, $200 and costs. (F. & D. No. 13088. I. S. No. 7577-r.)

On November 15, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, and W. B. Wood, St. Louis, Mo., alleging shipment by said company and defendant, in violation of the food and drugs act, on or about April 11, 1919, from the State of Missouri into the State of Illinois, of a quantity of color which was adulterated and misbranded. The article was labeled in part: "No. 538 lb. 1 W. B. Wood Mfg. Company * * * St. Louis, Mo. Red Shade."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added salt and added sodium sulphate and an excessive quantity of arsenic.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, sodium chloride and sodium sulphate, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for red shade, which the article purported to be. Adulteration was alleged for the further reason that the article contained an added deleterious and poisonous ingredient, to wit, arsenic, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Red Shade," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was red shade, to wit, a product to be used in the coloring and composition of food, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was red shade, to wit, a product to be used in the coloring and composition of food, whereas, in truth and in fact, it was not red shade, but was a mixture composed of color and inert material which had no value as a food or as a product which entered into the composition of food.

On November 7, 1923, the case having been dismissed as to W. B. Wood, individually, a plea of guilty was entered on behalf of the W. B. Wood Mfg. Co., and the court imposed a fine of $200 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12498. Misbranding of Foley kidney pills. U. S. v. 1 Dozen Large-Size Bottles, et al., of Foley Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18058, 18059. I. S. Nos. 17577–v, 17580–v. S. Nos. C–4169, C–4170.)

On November 16, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2 dozen large-size bottles and 10 dozen small-size bottles of Foley kidney pills remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Foley & Co. from Chicago, Ill., in part on or about September 10 and in part on or about October 26, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, carton, and circular) "Kidney Pills for Irritation," (circular, "Irritations") "of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions, for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * 2nd—The Bowels must be kept active * * * 3rd—The diet is of great importance * * * Satisfaction Guaranteed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained potassium nitrate, methylene blue, hexamethylenetetramine, and plant material, including resin and juniper oil.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 1, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12499. Adulteration of canned raspberries. U. S. v. 485 Cases and 140 Cases of Raspberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16784, 16820. I. S. Nos. 3771–v, 4076–v. S. Nos. C–3787, C–3805.)

On August 29 and September 18, 1922, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 625 cases of canned raspberries remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Friday Bros. Canning Co. from Coloma, Mich., in part July 25, and in part July 31, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Coloma Brand * * * Michigan Black Raspberries * * * Friday Bros. Canning Co. Coloma, Michigan." The remainder of the said article was labeled in part: (Can) "Friday Brand * * * Michigan Black Raspberries Packed by Friday Bros. Canning Co. Coloma—Michigan."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 14, 1924, the cases having been consolidated into one action, and the Friday Bros. Canning Co., Coloma, Mich., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, the former released, and the latter destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12500. Adulteration and misbranding of Fam-Ly-Ade. U. S. v. 300 Cartons of Fam-Ly-Ade. Default decree ordering destruction of product. (F. & D. No. 10762. I. S. No. 2187–r. S. No. W–439.)

On July 18, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel and on April 16, 1923, an amendment to the said libel, praying the seizure and condemnation of 300 cartons, each containing 12 individual cartons of Fam-Ly-Ade, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Fruit Valley Corp. from Rochester, N. Y., on or about May 22, 1919, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Large carton) "One tube of Fam-Ly-Ade makes one quart of orange syrup," (individual carton) "Fam-Ly-Ade;" (leaflet in individual carton) "Not a single drop is wasted of all this luscious orange-ade * * * all day long you mix this delicious orange drink * * * Fruit Valley Corporation * * * Fam-Ly-Ade." Both the large carton and the individual carton contained pictures of oranges. The large cartons were contained in certain shipping cases, each of which cases contained certain pennant-shaped posters bearing a design of oranges.

It was alleged in substance in the libel as amended that the article, which consisted of two separate compounds, was adulterated in that one of the said compounds was a product mixed with a 50 per cent solution of tartaric acid and artificially colored, and the other compound was a mixture of orange [oil] and vegetable gum and artificially colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, design, and device, "Fam-Ly-Ade," together with pictures of oranges appearing on the individual cartons and the statement, "One tube of Fam-Ly-Ade makes one quart of orange syrup," together with pictures of oranges, appearing on the large cartons, were false and misleading and deceived and misled the purchaser into the belief that the article was made from orange juice.

On July 24, 1924, a claim for the property theretofore entered having been withdrawn, judgment of the court was entered, ordering the destruction of the product by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

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